



# भारत का राजपत्र The Gazette of India

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NEW DELHI, SATURDAY, JULY 31, 1993/SRAVANA 9, 1915

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

भाग II—खण्ड 3—उप-खण्ड (II)  
PART II—Section 3—Sub-section (II)

(रक्षेत्र मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications issued by the Ministries of the Government  
of India (other than the Ministry of Defence)

विधि और न्याय मंत्रालय

MINISTRY OF LAW, JUSTICE & COMPANY AFFAIRS

(विधि कार्य विभाग)

(Department of Legal Affairs)  
(Judicial Section)

सूचना

NOTICE

नई दिल्ली, 9 जुलाई, 1993

New Delhi, the 9th July, 1993

का.आ. 1618.—नोटरीज नियम, 1956 के नियम 6 के अनु-  
सरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री विजय  
कुमार, एडवोकेट के उक्त प्राधिकारी को उक्त नियम के नियम 4  
के अधीन एक आवेदन इस बात के लिए दिया है कि उसे फगवड़ा,  
जिला कपूरथला (पंजाब) व्यवसाय करने के लिए नोटरी के  
रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के  
प्रकाशन के चौदह दिन के भीतर लिखित रूप में भेरे पास  
भेजा जाए।

S.O. 1618.—Notice is hereby given by the Competent  
Authority in pursuance of Rule 6 of the Notaries Act, 1956  
that application has been made to the said Authority, under  
Rule 4 of the said Rules, by Shri Vijay Kumar, Advocate  
for appointment as a Notary to practise in Phagwara, District  
Kapurthala (Punjab).

2. Any objection to the appointment of the said person  
as a Notary may be submitted in writing to the undersigned  
within fourteen days of the publication of this notice.

[सं. 5(45)/93-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

[No. F. 5(45)/93-Judl]

P. C. KANNAN, Competent Authority.

## सूचना

नई दिल्ली, 23 जून, 1993

का. आ. 1619.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री दामोदर लाल गर्ग, एडवोकेट के उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे गंगापुर सिटी (राजस्थान राज्य) में व्यवसाय करने के लिए नोटरी के रूप नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(55)/93-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

## NOTICE

New Delhi, the 23rd June, 1993

S.O. 1619.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Damodar Lal Garg, Advocate for appointment as a Notary to practise in Gangapur City (Rajasthan).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(55)/93-Judl.]

P. C. KANNAN, Competent Authority.

## सूचना

नई दिल्ली, 6 जुलाई, 1993

का. आ. 1620.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री अशोक कुमार गुप्ता एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए किया है कि उसे कैथल जिला (हरियाणा राज्य) में व्यवसाय करने के लिए नोटरी के रूप नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(59)/93-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

## NOTICE

New Delhi, the 6th July, 1993

S.O. 1620.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Ashok Kumar Gupta, Advocate for appointment as a Notary to practise in Kaithal District (Haryana).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(59)/93-Judl.]

P. C. KANNAN, Competent Authority.

## सूचना

नई दिल्ली, 8 जुलाई, 1993

का. आ. 1621.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री एन. एस. बिससे गोड़ा एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे बंगलौर (कर्नाटक राज्य) में व्यवसाय करने के लिए नोटरी के रूप नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(61)/93-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

## NOTICE

New Delhi, the 8th July, 1993

S.O. 1621.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri N. S. Bisse Gowda, Advocate for appointment as a Notary to practise in Bangalore (Karnataka).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(61)/93-Judl.]

P. C. KANNAN, Competent Authority.

## सूचना

नई दिल्ली, 13 जुलाई, 1993

का. आ. 1622.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री संजीव उपाध्याय एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे अलवर (राजस्थान राज्य) में व्यवसाय करने के लिए नोटरी के रूप नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(63)/93-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

## NOTICE

New Delhi, the 13th July, 1993

S.O. 1622.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Sanjeev Upadhyaya, Advocate for appointment as a Notary to practise in Alwar (Rajasthan).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(63)/93-Judl.]

P. C. KANNAN, Competent Authority.

## सूचना

नई दिल्ली, 13 जुलाई, 1993

का.आ. 1623.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री यारामरेड्डी कृष्णमूर्ति, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे नंदीगामा, जिला कृष्णा, आंध्र प्रदेश में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(64)/93-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

## NOTICE

New Delhi, the 13th July, 1993

S.O. 1623.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Yarramreddy Ramakrishnamurthy, Advocate for appointment as a Notary to practise in Nandigama, Krishna District (A.P.).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(64)/93-Judl.]

P. C. KANNAN, Competent Authority

## सूचना

नई दिल्ली, 13 जुलाई, 1993

का.आ. 1624.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री विजय कुमार पराशर, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे फगवाड़ा, जिला कपूरथला (पंजाब) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन से भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(65)/93-न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

## NOTICE

New Delhi, the 13th July, 1993

S.O. 1624.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Vijay Kumar Parashar, Advocate for appointment as a Notary to practise in Phagwara, District Kapurthala (Punjab).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(65)/93-Judl.]

P. C. KANNAN, Competent Authority.

## कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

## आदेश

नई दिल्ली, 12 जुलाई, 1993

का.आ. 1625.—दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) में प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उत्तर प्रदेश राज्य सरकार की सहमति के साथ उत्तर प्रदेश सरकार के दिनांक 16-6-93 के गृह (पुलिस) खंड II आदेश सं. 1262 टी/6-11-93-391एम/93 के तहत इसके द्वारा दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकार क्षेत्र का विस्तार निम्नलिखित अपराधों की जांच पड़ताल के लिए संपूर्ण उत्तर प्रदेश राज्य में करती है :—

(क) उत्तर प्रदेश के जिला इलाहाबाद, कैंट पुलिस स्टेशन में दिनांक 24-3-93 को दर्ज अपराध सं. 99/93 के संबंध में भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 302 के अधीन दंडनीय अपराध।

(ख) उसी संभवहार अथवा उन्हीं तथ्यों के दौरान किए गए उक्त अपराध के संबंध में किए गए प्रयास, दुष्प्रेरण और पड़ताल।

[संख्या 228/49/93-ए.वी.डी.-II]

परागप्रकाश, विशेष कार्य अधिकारी (सतर्कता)

## MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel &amp; Training)

## ORDER

New Delhi, the 12th July, 1993

S.O. 1625.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Uttar Pradesh vide Government of Uttar Pradesh, Home (Police) Section II Order No. 1262 T/6-11-93-391M/93 dated 16th June, 1993 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Uttar Pradesh for the investigation of the offences as hereunder :—

(a) Offences punishable under Section 302 Indian Penal Code, 1860 (Act No. 45 of 1860) in regard to Crime No. 99/93 dated 24th March, 1993 registered at Police Station Cantt. District Allahabad (U.P.).

(b) Attempts, abetments and conspiracies in relation to or in connection with the said offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/49/93-AVD-II]

PARAG PRAKASH, O.S.D. (Vigilance)

आदेश

नई दिल्ली, 13 जुलाई, 1993

का.आ. 1626.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 6 के साथ, पठित, धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए पुलिस स्टेशन बडगाम, जिला बडगाम, जम्मू और कश्मीर के अंतर्गत रजिस्टर किए गए मामला संख्या 80/93 दिनांक 29-6-1993 के बाबत धारा 3 और 4 आतंकवादी और विध्वंसकारी क्रियाकलाप (निवारण) अधिनियम, 1987 और विदेशी अधिनियम की धारा 14 के अधीन दंडनीय अपराधों और उक्त अपराधों और उन्हीं तथ्यों से उत्पन्न होने वाले वैसे ही संशयवहार के अनुक्रम में किए गए किन्हीं अन्य अपराधों के संबंध में या उनसे संभवतः प्रयत्नों, दुष्प्रेरणों और पद्धतियों के अन्वेषण के लिए, जम्मू और कश्मीर शासन के गृह विभाग के जापन नं. होम/20 (आईएसए) दिनांक 9-7-93 के तहत जम्मू और कश्मीर सरकार की सहमति से दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधिकांशता का विस्तारण संपूर्ण जम्मू और कश्मीर राज्य पर करती है।

[म. 228/52/93 एवीडी-II]

आर. एस. बिष्ट, अवसर सचिव

## ORDER

New Delhi, the 13th July, 1993

S.O. 1626.—In exercise of the powers conferred by Sub-Section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government, with the consent of the Government of Jammu and Kashmir, Home Department Order No. Home-20(ISA) dated 9th July, 1993, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Jammu and Kashmir for investigation of the offences punishable under Section 3 and 4 of the Terrorist and Disruptive Activities (Prevention) Act, 1987, and Section 14 of the Foreigners Act and any other offence(s), attempts, abetments and conspiracy in relation to or in connection with the said offence(s) committed in the course of the same transaction or arising out of the same facts in regard to case FIR No. 80/93 registered at Police Station Badgam, District Badgam (J&K) on 29th June, 1993.

[No. 228/52/93-AVD-II]

R. S. BISHT, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

आदेश

नई दिल्ली, 9 जुलाई, 1993

का.आ. 1627.—भारत सरकार के संयुक्त सचिव ने, जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप से सशक्त किया गया है, उक्त उपधारा के अधीन आदेश का.सं. 673-17-93-सी.शु.-8 दिनांक 9-3-1993 को यह निदेश जारी किया था कि श्री निरंजन जयंतिलाल शाह उर्फ निरंजन शाह उर्फ एन.जे. शाह, (1) फ्लैट नं. 201, 202, 301 और 302, वन्दना अपार्टमेंट, जानकी कुटीर, जूहू तारा रोड, बम्बई-400049; (2) पार्टनर, मैसर्स रोमिल

एक्सपोर्ट्स डालामल चैम्बर्स, न्यू मरीन लाइन, बम्बई 400020 को निहद्ध कर लिया जाए और केन्द्रीय कारागार, बम्बई में अभिरक्षा में रखा जाए ताकि उसे ऐसा कोई भी कार्य करने से रोका जा सके जो विदेशी मुद्रा के संवर्धन के लिए हानिकारक हो;

2. केन्द्रीय सरकार के पाम यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त, बम्बई के समक्ष हाजिर हो।

[फा. सं. 673/17/93-सी.शु.-8]

रूपचन्द, अवसर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 9th July, 1993

S.O. 1627.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/17/93-CUS. VIII, dated 9th March, 1993 under the said sub-section that Shri Niranjana Jayantilal Shah @ Niranjana Shah @ N. J. Shah, (i) Flat No. 201, 202, 301 and 302, Vandana Apartments, Janki Kutir, Juhu Tura Road, Bombay-400049; (ii) Partner, M/s. Romil Exports Dalamal Chambers, New Marine Lines, Bombay-400020 be detained and kept in custody in the Central Prison, Bombay, with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange;

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Bombay, within 7 days of the publication of this order in the official Gazette.

[F. No. 673/17/93-CUS. VIII]

ROOP CHAND, Under Secy.

आदेश

नई दिल्ली, 9 जून, 1993

स्टाम्प

का.आ. 1628.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा महाराष्ट्र राज्य वित्त निगम, बम्बई को मात्र पांच लाख सप्तर हजार रुपए का समेकित स्टाम्प शुल्क भ्रदा करने की अनुमति देती है जो कि उक्त निगम द्वारा जारी किए जाने वाले मात्र सात करोड़ तथा साठ लाख रुपए के कुल मूल्य के 12 प्रतिशत वाले महाराष्ट्र राज्य वित्त निगम के ऋण-पत्र

2012 (63वीं श्रृंखला) के 1 से 90 तक की विशिष्ट संख्या के ऋणपत्रों पर स्टाम्प शुल्क के लिए प्रभावी है।

सं. 23/93-स्टाम्प/फा. सं. 33/51/92-एस.टी.]

आत्मा राम, अवर सचिव

# ORDER

## STAMPS

New Delhi, the 9th July, 1993

S.O. 1628.—In exercise of the powers conferred by clause (b) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Maharashtra State Financial Corporation, Bombay to pay consolidated stamp duty of rupees five lakh and seventy thousand only, chargeable on account of the stamp duty on 12 per cent Maharashtra State Financial Corporation Bonds 2012 (63rd Series) bearing distinctive numbers 1 to 90 in the form of debentures of the aggregate value of rupees Seven crores and sixty lakhs only to be issued by the said Corporation.

[No. 23/93-Stamps/F. No. 33/51/92-ST]

ATMA RAM, Under Secy.

आदेश

स्टाम्प

नई दिल्ली, 9 जुलाई, 1993

का. आ. 1629.— भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा महाराष्ट्र, राज्य वित्त निगम, बम्बई को मात्र नौ लाख सात हजार, पांच सौ रुपये का समेकित स्टाम्प शुल्क उदा करने की अनुमति देती है जो कि उक्त निगम द्वारा जारी किए जाने वाले मात्र बारह करोड़ तथा दस लाख रुपये कुल मूल्य के 11.50 प्रतिशत वाले महाराष्ट्र राज्य वित्त निगम के बॉन्ड 2011 (61वीं श्रृंखला) के 1 से 171 तक की विशिष्ट संख्या वाले ऋण पत्रों पर स्टाम्प शुल्क के लिए प्रभावी है।

[सं. 22/93-स्टा./फा. सं. 33/14/92-बि.क.]

आत्मा राम, अवर सचिव

# ORDER

## STAMPS

New Delhi, the 9th July, 1993

S.O. 1629.— In exercise of the powers conferred by clause (b) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Maharashtra State Financial Corporation, Bombay to pay consolidated stamp duty of rupees Nine lakhs seven thousand, five hundred only, chargeable on account of the stamp duty on 11.50 per cent Maharashtra State Financial Corporation

Bonds 2011 (61st Series) bearing distinctive numbers 1 to 171 in the form of debentures of the aggregate value of rupees twelve crores and ten lakhs only to be issued by the said Corporation.

[No. 22/93-Stamps/F. No. 33/14/92-ST]

ATMA RAM, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 7 जुलाई, 1993

का. आ. 1630.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970 के खंड 8 के उपखंड (1) के साथ पठित खण्ड 3 के उपखंड (क) के अनुसरण में, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्वारा डा. एन. के. थिंगलाया, वर्तमान महाप्रबंधक, मिडिक्रेड बैंक, को उसके कार्य-भार ग्रहण करने की तारीख से 30 नवम्बर, 1997 को समाप्त होने वाली अवधि के लिए, उसी बैंक के पूर्ण कालिक निदेशक (कार्यकारी निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[सं. एफ. 9/28/92-बी.ओ. I]

एम. एस. सीतारामन, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 7th July, 1993

S.O. 1630.—In pursuance of sub-clause (a) of clause 3 read with sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Dr. N. K. Thingalaya, presently General Manager, Syndicate Bank, as a whole-time Director (designated as the Executive Director) of the same bank for a period commencing with the date of his taking charge and ending with 30th November, 1977.

[F. No. 9/28/92-B.O.I.]

M. S. SEETHARAMAN, Under Secy.

खाद्य मंत्रालय

आदेश

नई दिल्ली, 29 जून, 1993

क. आ. 1631.—मनः केन्द्रीय सरकार ने खाद्य मंत्रालय, क्षेत्रीय खाद्य निदेशक उपस्थित निवेशक और खाद्य मंत्रालय के वेतन तथा सेवा कार्यावली द्वारा किए जाने वाले खाद्यान्नों के क्रय, भण्डारण, संवाहन, परिवहन, वितरण तथा विक्रय के कृत्यों का पालन करना बन्द कर दिया था जो कि खाद्य निगम अधिनियम, 1964 (1964 का 37) की धारा 12 के अर्ध न भारतीय खाद्य निगम के कृत्य थे।

और आ. खा. मंत्रालय क्षेत्रीय खा. निदेशालयों में कार्य कर रहे और उपरिबर्णित कृषियों के पालन में लगे निम्नलिखित कर्मचारी भारतीय खा. निगम के कर्मचारी न बनने के अपने प्रार्थना का उक्त अधिनियम का धारा 12(i) को उप धारा (1) के परन्तुक द्वारा केन्द्रीय सरकार के दिनांक 16 अप्रैल, 1971 के परिपत्र के प्रत्युत्तर में उसमें उल्लिखित निम्नलिखित विधि के अन्तर्गत यथा अवधि भुक्ताना नहीं हो पाए।

और अधिक निम्नलिखित कर्मचारी को, सेवाएं अभी तक भारतीय खा. निगम को अन्तर्गत नहीं की गई हैं।

धन: इस खा. निगम अधिनियम, 1964 (1964 का 37) यथा अद्यतन संशोधित का धारा 12-ए द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निम्नलिखित कर्मचारी को उनके नाम के

सामने दी गई तारीख से भारतीय खा. निगम में स्थानांतरित करती है:—

क्रम अधिकारी/सं. कर्मचारी का नाम	केन्द्रीय सरकार के अधीन स्वाधीन पद	स्थानांतरण के समय केन्द्रीय सरकार के अधीन पद	भारतीय खा. निगम में स्थानांतरण का तारीख
1. शंकर नन्द सेन गुप्ता	सहायक ग्रेड-1 *वृ.-1		1-3-1969

[सं. ए-38022/2/92-एफ. सी. 3]

स. ना. गुप्त, अवर सचिव

## MINISTRY OF FOOD

### ORDER

New Delhi, the 22nd June, 1993

S.O.1631.—Whereas the Central Govt. had ceased to perform the functions of purchase, storage, movement, transportation, distribution and sale of foodgrains done by the Ministry of Food, Regional Director of Food, the Procurement Directorates and the Pay & Accounts Office of the Ministry of Food which under Section 12 of the Food Corporation Act, 1964 (37 of 1964) were the functions of the Food Corporation of India.

And whereas the following employee serving in the Regional Directorate of Food, and engaged in the performance of the functions mentioned above had not, in response to the circular of the Central Govt. dated the 16th April, 1971, intimated, within the date specified therein their intention of not becoming employees of the Food Corporation of India as required by the proviso to sub-section (1) of Section 12(1) of the said Act.

And whereas the Services of the following employee have not yet been transferred to Food Corpn. of India.

Now, therefore, in exercise of the powers conferred by Section 12A of the Food Corpn. Act, 1964 (37 of 1964), as amended upto date, the Central Government hereby transfers the following employee to the Food Corpn. of India with effect from the date indicated against his name.

Sl. No.	Name of the Officer/Employee	Permanent Post held under the Central Govt.	Post held under the Central Govt. at the time of transfer	Date of transfer to the Food Corpn. of India
1.	Sh. Sankara Nanda Sen Gupta	—	AG-I/Q-I	1-3-1969

[No. A-38022/2/92/FCIII]

S. N. GUPTA, Under Secy.

## नागरिक पूर्ति, उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय

### भारतीय मानक ब्यूरो

नई दिल्ली, 30 जून, 1993

क्र. प्र. 1632.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के उपनियम, (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन साइमों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं:—

### अनुसूची

क्रम साइम सं. सी.एम./एल-सं.	लागू होने की तारीख		IS : सं./भाग
(1)	(2)	(3)	(4)
1. 5003839	93-02-16	पैकेजिंग उपयोग (महाराष्ट्र) प्रा. लि., प्रा.—विश्रोनपाड़ा, डा.—बेगरी, पी.एम.—बोन्नर, हावड़ा	उर्वरक हेतु 380 ग्राम/मी <sup>2</sup> , 68X39 टारपुलिन कपड़े से उन्नाहित पत्रद्वारा पटसन के कट्टे IS : 07406 : 86 भाग . 02

(1)	(2)	(3)	(4)	(5)	(6)
2. 5003940	93-02-16	हरियाणा प्रायतन वर्म, 143 बेनूर रोड, मिलूह, हावड़ा	मृदु इस्पात की तनिकाकार तथा पिटवां इस्पात की पाइप फिटिंग	IS : 01239 : 82 भाग : 02	
3. 5004033	93-02-16	घग्गवाल स्टील काम्पनेक्स लि., मीरमपुर, दिल्ली रोड, जि—हुगली (प. ब. )	संरचना इस्पात (मानक किस्म) में वेल्डन के लिए कृत्रिम विनैट इंगट	IS : 00914 : 78	
4. 5004134	93-02-16	एच एम पी जूट मिल्स लि. , (यूनिट—तृजिया) नेहाटी, जि— 24 परगना	ए—टिबल पटसन के बोरे	IS : 01943 : 64	
5. 5004235	93-03-01	शिवशंकर इंडस्ट्रीज, प्लॉट नं. 66, फेज III, इंड एस्टेट न्यू जयनपुर कटक	बनस्पति, खाद्य तेलों और बेकरी मोशन हेतु चौकोर कनस्तर	IS : 10325 : 89	
6. 5004336	93-03-01	वेबाला देवी कृषि यंत्र उद्योग, बोरडोर चेटी, जी. टी. रोड, डा. —धीपल्ली, बर्द्धमान, (प. ब. ) 713103	हस्तबानित नैपनैक छिड़काव यंत्र	IS : 03906 : 82 भाग : 01	
7. 5004437	93-03-01	स्वास्तिक स्टील एंड एलाइट प्राइवट्स, 8/1 तुलत पाड़ा रोड, मिलूह, हावड़ा-711204	संरचना इस्पात (मानक किस्म)	IS : 00226 : 75	
8. 5004538	93-03-01	कबीर सीमेंट इंडस्ट्रीज (प्रा. ) लि. , इंड एरिया, बक्सर, जि—मोजपुर (विहार)-802101	33 ग्रेड साधारण पोर्टलैंड सीमेंट	IS : 00269 : 89	
9. 5004639	93-03-01	सुतार कैमीकल्स (प्रा. ) लि. डा—रानीताल पर जि—बालासोड़, (उड़ीसा)-756111	मैलाधियान 50% ईसी	IS : 02567 : 78	
10. 5004740	93-03-01	सुतार कैमीकल्स (प्रा. ) लि. , डा. —रानीताल पर जि. —बालासोड़, (उड़ीसा)-756111	मैलाधियान 5% डीपी	IS : 02568 : 78	
11. 5004841	93-03-01	सुतार कैमीकल्स (प्रा. ) लि. , डा. — रानीताल पर जि. —बालासोड़, (उड़ीसा)-756111	एन्डोसल्फान 35% ईसी	IS : 04323 : 80	
12. 504942	9303-91	मिल्क एन्टरप्राइजेज प्रा. लि. ए-5 एवं 6 मनवेधर इंड एस्टेट, भुवनेश्वर-751010	पेय जल आपूर्ति हेतु युपेक्सो पाइप	IS : 04985 : 88	
13. 5005035	93-03-01	मिल्क एन्टरप्राइजेज प्रा. लि. , ए-5 एवं 6 मनवेधर इंड एस्टेट, भुवनेश्वर-751010	मिथाइल पैरथियान 2% डीपी	IS : 08960 : 78	
14. 5005136	93-03-02	वि इंडस्ट्री मेन्चुफैक्चरिंग कं. लि. 1 अला हूबर रोड, डा-टीटागढ़, जिला-24 परगना (उत्तर)	ए-टिबल पटलर के बोरे	IS : 01943 : 64	
15. 5005237	93-03-01	पंचस्टील, डा. शाहगंज, जिला हुगली (पश्चिम बंगाल)	कंक्रीट प्रबलन हेतु उच्च सामर्थ्य इस्पात के छिड़काव मरि	IS : 01786 : 95	
16. 6007014	93-02-16	फंडलाइन बल्बस एंड ट्यूब्स प्रा. ल. एमपी 17, इबलपड़ प्लॉट, मिडको इंड एस्टेट, इक्काटुधंगल, मद्रास-600097	जीएलएस बल्ब	IS : 00418 : 78	
17. 6007145	93-02-16	निखिलदीप केबल्स प्रा. लि. , 29/4 बागपल्ली रोड, हीमूर, जिला धरमपुर (तमिलनाडु)-635109	प्रति उच्च तापता के लिए ए सीएस आर	IS : 00398 : 82 भाग : 5	

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18. 6007216	93-02-16	भारवी इंस्ट्रूज, 1 ए. के. के. सुवर्णम स्टीट बिल्डिंग पुरम, पीलासेड, कोयम्बतूर 641804	एक फेजी, छोटे ए. सी. बिजली के मोटर	IS 00998 : 79	
19. 6007347	93-02-16	बुन्दावन इंज एरिया चौथा फेज, बंगलौर-560058	एनएस डी मरिए	IS 01786 : 85	
20. 6007448	93-02-16	भगोक पैराफिन प्रा. लि. जी टी रोड, पश्चिमगोडू तालमंडल, गमपुरम डा. नैलोर जिला (घा. प्र.)	पैराफिन मोम	IS 04654 : 74	
21. 6007549	93-02-16	मिल्मान फार्म केमीकल, बेलनंथम रोड, पी. वा. प. 7 मुमरी, त्रिची जिला (तमिलनाडु) 621211	त्रिक सल्फेट	IS 08249 : 76	
22. 6007650	93-02-16	मद्रास सीमेंट लि., जयलीपुरम, जययापेट, कृष्णा जिला (घा. प्र.) 621175	पोर्टलैंड पोत्रालान, उच्चगोचर राख आधारित	IS 01489 : 91	
23. 6007751	93-02-16	ट्रापिकल एग्री सिस्टम लि., 530/2-बी बनावरम रोड, आयापेट, अम्बालूर मद्रास 600058	आक्सीमीटॉन मिथाइन 25% ई सी	IS 08259 : 76	
24. 6007852	83-03-01	दूरवाणी केबलस प्रा. लि. 11 वथायावनेन्ड इंज एस्टेट, बंगलौर-560048	पांचास केबल, पांचास रोडिन और खोलवार तांबा आलको वाणी	IS 00694 : 90	
25. 6007953	93-03-01	बोला पम्पु (प्रा) लि., 11 बिस्वास्वामी नाथरू स्टीट, न्यू मिदुपुतुर, कोयम्बतूर, 641044	हृयि उपयोग हेतु मोनोसेटपम्प	IS 09079 : 89	
26. 6008046	93-03-01	दूरवाणी केबलस प्रा. लि., 11 दिव्यतेन्द्र इंज एस्टेट, महादेवपुरा, बंगलौर-560042	निम्नजलमोटर हेतु पीबीसी रोडिन बेस्टनतार	IS 08783 : 78	
27. 6008147	93-03-01	ईंदराबाव केबलस इंस्ट्रूज, 6 थो/ए, आई बीए, पत्तनचरु, मेडकजिला (आन्ध्र प्रदेश)	एन्युमोनियम जालका वाणी पीबीसी रोडिन और खोलवार केबल	IS 00694 : 90	
28. 6008248	93-03-01	सुप्रीम लूमिनेयम प्रा. लि., एक 16 थिपकोट इंज काम्पलेक्स, गुम्मीडी पोल्डी (तमिलनाडु) 601201	शिरोपरि प्रेषण हेतु जस्तीकृत हस्तान प्रचलित एन्युमीनियम आलक	IS 00398 : 76 भाग : 02	
29. 6008349	93-03-01	सरकारी प्लास्टिकस, क सं. 217 वसाधरम गालुक, कृष्णा जिला (घा. प्र.)	विद्युत प्रयोजनों हेतु दुर्ल सादे कंकीट, कंडक्ट क्षारी और मध्यम चार्जकिरण केबल	IS 09537 : 83 भाग : 03	
30. 6008450	93-03-01	बान् इंस्ट्रूज, 7 एक अविनाशी रोड बिशियापलायम डा, कोयम्बतूर-641062	निम्नजल मोटर हेतु तीन फेजी मोटर	IS 09283 : 79	
31. 6008551	93-03-01	श्री गंगा स्टील एन्टरप्राइजेज, प्लाट नं. बी-20ई, थिपकोट इंज. काम्पलेक्स, गुम्मीडी पोल्डी (तमिलनाडु) -601201	एनएस डी मरिए, पेड एक 415	IS 01786 : 85	
32. 6008652	93-03-01	सुपरलाइट इंस्ट्रूज, 59/14 (रू. नं. 93) सीधा मे. रोड, इड टाऊन राजाजा नगर, बंगलौर-560044	जीएलएसमबल	IS 00418 : 78	
33. 6008753	93-03-01	थनटिक स्टेट फारेस्ट इंस्ट्रूज कारपोरेशन लि., 45ए से 49ए, मेन रोड टिम्बर याड लेआउट, मेसूर रोड बंगलौर-560026	सफाई के पलश बरखाजा शटर	IS 02202 : 91 भाग : 01	



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34. 6008854	93-03-01	मलिनी मारसेट, 28, 17वाँ "ए" मेनरोड, 10 फीटरोड, हॉल दूसरा स्टेज, इंदिरा नगर, बंगलूर-560038	मच्छरदानी, सूती मेंटिंग	IS 09886: 90	
35. 6008955	93-03-01	केला जन्दा पाइप इंस्टीट्यूट, विल्डिंग नं. 597, बाइल नं. 1, नाटाकोम पंचायत, कोट्टायम (केरल)	पीपीसी पाइप	IS 04985: 88	
36. 6009048	93-03-01	सीमेंट कारपोरेशन आफ इंडिया लि., येरागुन्टला सीमेंट फैक्ट्री येरागुन्टला, कुड्डुप्पा जिला (घा. प्र.) 546309	33 ग्रेड माध्यम पोर्टलैंड सीमेंट	IS 08112: 89	
37. 6009149	93-03-01	कमल पाईप्स, 37/1779-ए, के एस गार्डन, धामनम रोड, कोठारी काबायू, कोचीन (केरल) 682017	यूपीपीसी पाइप	IS 04985: 88	
38. 6009250	93-03-01	लक्ष्मी केमिकल्स, 53 भारतीयपुरम, शिनीयनगर, मद्रास 600030	कोलार खाद्य रंग निमित्तियां	IS 05346: 75	
39. 6009351	93-03-01	मुमीत रिसर्च एंड डेवेलपर्स लि., प्लॉट नं. 55, इंड एस्टेट, मम्बाचूर, मद्रास-600058	बिजली के बरेलू खाद्य मिक्सर	IS 04250: 80	
40. 6009452	93-03-01	माइक्रोटैक साइंटिफ इंड, मिनी इंड एस्टेट, काजीहमाड, बाजाहमुलमडा, भालवाये (केरल) 683105	ओ एल एस बल्ब	IS 00418: 78	
41. 6009553	93-03-01	मोको (इंडिया) लि., 89/4 रेड्वापट्टी ग्राम, विरलिसाला, पुडुकोट्टाई (तमिलनाडु) 621318	ज्वाला सहजोल (1) प्रकाश-वस्तु प्लस ट्रेसमीटर (2) इलेक्ट्रॉनिक रेड्युक्टीवर	IS 02148: 81	
42. 6009654	93-03-01	प्लो टैक पावर 93 माडे रोड, सर्वात्तामपल्ली, कोयम्बतूर-641035	पेयजल आपूर्ति हेतु उच्च घनत्व के पोलीइथाइलीन पाइप	IS 04984: 87	
43. 6009755	93-03-01	श्रीलक्ष्मी पदमावती एल्यूमीनियम इंड., माइक्रोवेव स्टेशन के सामने, कारमावाडी रोड बिसकने वाले लौह धातु के काबले संख्या, संख्या (कर्नाटक) 571401	बरवाजे में प्रयुक्त पैडलिक सहित	IS 02681: 79	
44. 6009856	93-03-01	एम धार फैब्रिक्स, 14वीं के धार कालोमी, धारापुरम रोड, निरूपुर (तमिलनाडु) 638004	सूती मावा बुनी बनियान	IS 04964: 91	
45. 6009957	93-03-01	दिसवर्न पेस्टीसाइड्स कारपोरेशन लि., धारीकिरीवाला, केबूर के पास, पश्चिम गोदावरी जिला (घा.प्र.) 534350	मोनोक्रोटोफॉस 36 प्र. एस एस	IS 08074: 90	
46. 6010033	93-03-01	दि सर्वर्न पेस्टीसाइड्स कारपोरेशन लि., धारीकिरीवाला, केबूर के पास, पश्चिम गोदावरी जिला (आन्ध्र प्रदेश) पिन-534350	फेनवेलरेट 20 प्र. ई सी	IS 11997: 87	
47. 7009154	93-02-16	गोक केपिस्टस प्रा लि, 14 कोरलिस इंड एस्टेट, कोरलिस, इलहास, गोवा 403110	पावर मंत्र हेतु सॉलर चार्जर	IS 02834: 87	
48. 7009255	93-02-16	हिल्स वायर इंडस्ट्रीज, प्लॉट नं. 7-8 ओगासीवाडी इंड एस्टेट, कराड सानारा जिला	गिरोपरि प्रेषण हेतु एल्यूमीनियम पायक	IS 00398: 76	

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49. 7009356	93-02-16	श्री स्टील वायर रोलस लि., हनुमान मिल्स कंपाउन्ड, कानपुर मार्ग, रेलवे स्टेशन, हुमा घियेटर, कनजुर मार्ग, बम्बई-4000 78	तेल कुंजी और तेल कुण की खुवाई के लिए प्रयुक्त तार रस्ती	IS 04531 : 77	
50. 7009457	93-02-16	प्रेसिडेंट इंस्टीट्यूट, सी-1/30/53/54, फेज 3 जीआईसीसी, नारोडा, ग्रहमवाबाद 582330	डाइमिथीएट ई सी	IS 03903 : 84	
51. 7009558	93-03-01	डेक्मो बिल्ड इंजी प्राल., जे-396 एम घाई डी सी बोसारी, पुणे-411026	हस्पत के दरवाजा फ्रेम	IS 04361 : 76	
52. 7009659	93-03-01	मानिकगढ़ सीमेंट, डा गोंडबंवर, चम्बपुर लि. (महाराष्ट्र) 442908	पोर्टलैंड पोजलाना सीमेंट	IS 01489 : 91	
53. 7009760	93-03-01	जयलक्ष्मी टिन फैक्ट्रीज, रबील स्टेशन, तापुक तेहगाम, अहमदाबाद-382315	वनस्पति और खाद्य तेलों के लिए 15 किग्रा के चौकोर कनस्तर	IS 10325 : 89	
54. 7009861	93-03-01	पाराकील पावर प्रोसिसें, खोडियार स्टील कर्मीचर के सामने, 2 पटेल नगर, राजकोट	स्वचालित लाइन वोल्टता संशोधक (स्टेप टाइप और चरने प्रयोग हेतु)	IS 08448 : 89	
55. 7009962	93-03-01	स्मिथी एन्टरप्राइजेज, एल-302/2/6 जी घाई डी सी, नारोडा, ग्रहमवाबाद-382830	निमज्जय पम्पसेट	IS 08034 : 89	
56. 7010038	93-03-01	नमंदा पाइपस सर्वे नं. 211 राजकोट गोंडल, मेथनल हाइवे, वाया भक्तिनगर, स्टेशन बीरावल, (शाहपार) राजकोट	पेयजल आपूर्ति हेतु यू पी बी सी के पाइप	IS 04985 : 88	
57. 7010139	93-03-01	जय इंजीनियरिंग कं., नेताजी पकार मार्ग, नारायण नगर, नं. 3 के सामने, कुर्ला ई ब एस्टेट, घाटकोपर (पश्चिम) बम्बई-400086	धमनिनामकों में प्रयुक्त गैस काटिज	IS 04947 : 85	
58. 8009159	93-02-16	शुभम सीमेंटस (प्रा) लि., एफ-29, जी-33, 34 रिक्को इंड एरिया, सुजानगढ़ कुंज-चुठ (राज) 331507	33 ग्रेड साधारण पोर्टलैंड सीमेंट	IS 00269 : 89	
59. 8009260	93-02-16	सौरभ कंकोट पाइपस इंड एस्टेट, ए. बी. रोड, मुरैना-476001	मेनहौन के पूर्व डल कंकोट के डक्कन- गोल टाइप (हैवी ब्यूटी)	IS 12592 : 88	
60. 8009361	93-02-01	रबड़ हीज (इंडिया) ए स-69, बावली इंड एस्टेट, बिस्की-110042	बेल्डिंग हेतु रबड़ हीज	IS 00447 : 88	
61. 8009462	93-02-16	जय बुर्ग मेटल इंस्टीट्यूट, खसरा नं. 817 ग्राम छपरोला बिसरख रोड, जिला गाजियाबाद	15 किग्रा के चौकोर कनस्तर	IS 10325 : 89	
62. 8009563	93-02-16	कामधेनु मेटल इंस्टीट्यूट, खसरा नं. 617 ग्राम छपरोला, बिसरख रोड, जिला गाजियाबाद	15 किग्रा के चौकोर कनस्तर	IS 10325 : 89	
63. 8009664	93-02-16	राजकी सीमेंट वर्क्स, 51-ए, बी ई एम मिल के सामने, इंड एरिया, बांसवाड़ा (राजस्थान)	33 ग्रेड साधारण पोर्टलैंड सीमेंट	IS 00269 : 89	

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64. 8009765	93-02-16	शिव इंडस्ट्रीज, एम-9 सत्यवती नगर, ग्रशोकविहार, फेज-III, दिल्ली-110052	बिजली के निमज्जय हीटर	IS 00368 : 83	
65. 8009866	93-02-01	विक्रान्त समर सेबल पम्पस प्रा. लि. 42/ई एवं एफ मेकटर 'ए', उर्ला इंड एरिया रायपुर	निमज्जय पम्पसेट	IS 08034 : 89	
66. 8009967	93-02-16	सोरम कंक्रीट पाइप इंड एस्टेट, ए बी रोड, मुरैगा-478001	पूर्व डले कंक्रीट पाइप	IS 00458 : 88	
67. 8010043	93-02-16	बंसल उद्योग 32 ग्रशोक पार्क एक्सटेंशन रोहतक रोड, नई दिल्ली-110026	एक फेजी छोटे एसी मोटर	IS 00996 : 79	
68. 8010144	93-02-16	कटारिया वायर्स प्रा. लि. 10 इंड एस्टेट रतलाम (म.प्र.) 457001	ए सी एस ग्रार की ब्रोड हेतु इस्पात तार	IS 00398 : 76 भाग : 02	
69. 8010245	93-02-16	कंटीनेन्टल इंजीनियर्स, 9 मोती इंगरी, उनियार गावँस, के पास, जयपुर	मापन धारा ट्रांसफार्मर	IS 02705 : 81 भाग : 02	
70. 8010346	93-02-16	बिजली केबलस, ए 5 वजीरपुर इंड एरिया, दिल्ली-110052	1100 वो तक कार्यकारी एल्युमीनियम और तांबा चालकों वाली पी वी सी रोधित, और खोलदार केबल	IS 00694 : 77	
71. 8010447	93-02-16	बिजली केबलस, ए 5 वजीरपुर इंड एरिया, दिल्ली-110052	1100 वो तक कार्यकारी एल्युमीनियम और तांबा चालकों वाली पी वी सी रोधित और खोलदार केबल कवचित और अकवचित	IS 01554 : 88 भाग : 01	
72. 8010548	93-02-16	प्लाजा पाइप इंडस्ट्रीज, खसरा नं. 1132 ग्राम एवं आ रिठाला इंड एरिया, दिल्ली-110034	विद्युत संस्थापन हेतु रोधन सामग्री के दृढ़ साथ कंब्यूट पाइप	IS 09557 : 83 भाग : 03	
73. 8010649	93-02-16	विक्रम सुपर सीमेंट डा. खीर, विक्रमनगर जिला मंदसौर (म.प्र.)	53 ग्रेड साधारण पोर्टलैंड सीमेंट	IS 12269 : 87	
74. 8010750	93-02-16	अजमेर जिला दुग्ध उत्पादक सहकारी संघ लि अजमेर (राज) ब्यावर रोड, एच एम टी के सामने, अजमेर (राजस्थान)	मक्खनिया दूध पाउडर	IS 1334 : 92 भाग : 01	
75. 8010851	93-02-16	मार्टिन लुकिट्स (प्रा.) लि., 42 ए, ईस्ट ब्राजादमगर दिल्ली-110051	प्रतिहिम ह्याइलीस स्लाइकॉल	IS 05759 : 70	
76. 8010952	93-02-16	बाहीपलिया इंडस्ट्रीज लि. 32-बी, इंड एरिया, साइट 4 माहिबाबाद, जिला गाजियाबाद	बिजली के पानी गर्म करने के केबल आधारण टाइप हीटर	IS 02082 : 85	
77. 8011045	93-02-16	नेजर एप्लाइसेज प्रा लि., डी 104 ओखला इंड एरिया, फेज नई दिल्ली।	टंगस्टन तंतु के सामान्य सेवा बिजली के बल्ब	IS 00418 : 78	
78. 8011146	93-02-16	केव कोष इंडिया, 40/5 स्ट्रीट नं. 1 मोहन नगर एक्सटेंशन समयपुर, दिल्ली-110042	1100 वोतक कार्यकारी बोल्डता के लिए पीवीसी रोधित केबल	IS 00694 : 90	
79. 79.8011247	93-02-16	गाजवा सीमेंट कं. प्रा लि., अंतपुर (मानावर), जिला-धार (म.प्र.)	44 ग्रेड साधारण पोर्टलैंड सीमेंट	IS 00269 : 89	

1	2	3	4	5	6
80. 8011348	93-02-16	मलबरीजिना बुध उत्पादक सहकारी संघ लि. मलबरीजिना दूध पाउडर अयपुर रोड, मलबरी (राजस्थान)			IS 13334: 92
81. 8011449	93-02-16	कुबेर सीमेंट प्रा. लि., जीआई-44 से 49 रिक्को इंड. एरिया, रमनगढ़ जिला चुरू (राजस्थान)	33 ग्रेड साधारण पोर्टलैंड सीमेंट		IS 00269: 89
82. 8011550	93-02-16	कटारिया वायर्स प्रा. लि., 10 इंड एस्टेट, रतलाम (म.प्र.) 457001	प्रति उच्च वोल्टता हेतु एल्युमीनियम चालकों वाली जस्तीकृत इस्पात प्रबलित केबल हेतु जस्तीकृत इस्पात के कोइ तार		IS 00398: 82 भाग : 05
83. 8011651	93-02-16	एक्रोमिक्स केमिकल्स एंड कोटिंग्स प्रा. लि., 327, ग्राम जोनापुर महरोली, दिल्ली-110030	जनसह बनाने लिए सीमेंट में मिलाया जाने वाला यौगिक		IS 02645: 75
84. 8011752	93-03-01	जैन मिनरल्स, रेलवे स्टेशन, कुष्मान सिटी, (राजस्थान) 341508	33 ग्रेड साधारण पोर्टलैंड सीमेंट		IS 00269: 89
85. 8011853	93-03-01	मूनाइटेड उद्योग, 32/74 विश्वास नगर, दिल्ली-110032	ट्रे (स्टेनलेस इस्पात)		IS 03993: 82
86. 8011954	93-03-01	नागोरी सीमेंट प्रा. लि., बाग, जिला धार (म.प्र.)	33 ग्रेड साधारण पोर्टलैंड सीमेंट		IS 00269: 89
87. 8012047	93-03-01	बसेरा सीमेंटस प्रा. लि., एफ-8 से एफ-13, रिक्को इंड एरिया श्रीमाधोपुर (राजस्थान)	33 ग्रेड साधारण पोर्टलैंड सीमेंट		IS 00269: 89
88. 8012148	93-03-01	बंसल उद्योग डी-15 एस एस ए काप इंड एरिया, जी टी रोड, दिल्ली-110033	पॉलियामेंट कब्जे		IS 00362: 91
89. 8012249	93-03-01	कमला इलेक्ट्रोड्स, इंदिरापुरम, भचरांडा परतापुर इंड एरिया, मेरठ	कार्बन और कार्बन मैथनीज इस्पात के सेलुलॉस आर्क वेलिंग हेतु प्राचरित इलेक्ट्रोड		IS 00814: 91
90. 8012350	93-03-01	योहाना पेंट, प्लॉट नं. 84-85, न्यू इंड एरिया, II मंडीवीप जिला रासेम 465846	भवनों के बाहर प्रयोग के लिए संगिलष्ट इनेमल		IS 02932: 74
91. 8012451	93-03-01	माडर्न प्लास्ट सेक्टर सी-16, मंडीवीप जिला रासेम	15 किग्रा के चौकोर कतस्तर		IS 10325: 89
92. 8012552	93-03-01	एस एस पावर केबल इंडस्ट्रीज डी-95, सेक्टर 6, नोएडा जिला गाजियाबाद	1100 बी तक कार्यकारी वोल्टता हेतु एल्युमीनियम और तांबा चालकों वाली पीबीसी रोधित केबल		IS 00694: 90
93. 8012653	93-03-01	इंदिया टिन प्रोडक्ट्स मूण्डाखेड़ा रोड, खुरजा-203131	15 किग्राम के चौकोर कतस्तर		IS 10325: 89
94. 9008061	93-02-16	बजरंग धारन कं., बी-4, फाउन्ट्री नगर, हाथरस रोड, डा.-नरसिंह, झांझा	क्षेत्रीय अपकेंद्री पम्प		IS 06595: 80
95. 9008162	93-02-16	हीरो कैटल फीड, सी-21/22, फोकस प्लॉट मोगा	पशुओं के लिए मिश्रित पशु आहार		IS 02052: 79
96. 9008263	93-02-16	बाद इलेक्ट्रिकल्स (प्रा.) लि., प्लॉट नं. 12, सेक्टर 4, फरीदाबाद	बेजेंट कूलर हेतु पम्पसेट		IS 11951: 87

1	2	3	4	5	6
97. 9008364	93-02-16	स्वास्तिक इलेक्ट्रिकल्स प्लॉट नं. 17 से 20 ए ब्लॉक, छाबुआ कालोनी, नवावा रोड, फरीदाबाद	डेजर्ट कूपर हेतु पम्पसेट	IS 11951 : 87	
98. 9008465	93-02-16	वारु इलेक्ट्रिकल्स (प्रा.) लि., प्लॉट नं. 12, सक्टर 4, फरीदाबाद	एसी संचालित स्टार्ट एवं रन मोटर	IS 00996 : 79	
99. 9008566	93-02-16	अभय एन्टरप्राइजेज, सी-1, इंड. एस्टेट अलीगढ़ 202001	इस्पात के कच्चे	IS 01341 : 92	
100. 9008667	93-02-16	विनेश वायरिंग गवर्नमेंट मण्डम सेक्टर के पास, नेशनल हाइवे, चम्पाघाट (पंजाब)	जस्तीकृत इस्पात के कटिवार तार	IS 00278 : 78	
101. 9008768	93-02-16	अजंता सीमेंट एंड एलाइड प्रोडक्ट्स (प्रा.) लि., 3 ग्रेड साधारण, पोर्टलैंड सीमेंट पो. बा. नं. 3, ग्राम मारोटियाला, तहसील-पओन्टा साहिब		IS 00269 : 89	
102. 9008869	93-02-16	सुरेन्द्र स्टील रोलिंग मिल्स, धर्मोह रोड भंडी गोविन्दगढ़, (पंजाब)	संरचना इस्पात (मानक किस्म)	IS 06914 : 78	
103. 9008970	93-02-16	नवदुर्गा स्टील कार्पोरेशन, नाभा रोड धर्मोह जिला-पटियाला	बेल्डनीय संरचना इस्पात (मानक किस्म)	IS 02062 : 84	
104. 9009063	93-02-16	धिमान इंडस्ट्रीज, मुख्य भी नगरी, भंडी गोविन्दगढ़	बेल्डनीय संरचना इस्पात	IS 02062 : 84	
105. 9009164	93-02-16	शक्ति मेटल वर्क्स, एन 254, इंड. एरिया, जालंधर	जलय सेवाओं के लिए फॉरेल	IS 02692 : 89	
106. 9009265	93-02-16	जय कैमीकल्स 14/1 मधुरा रोड, फरीदाबाद-121003	एनिलकांस 30% ई सी	IS 13403 : 92	
107. 9009366	93-02-16	नारन मिटरल्स लि., दीलताबाद रोड, गुडगांव (हरियाणा) 121001	एनिलकांस 30 % ई सी	IS 13403 : 92	
108. 9009467	93-02-16	बाबा इंडस्ट्रीज प्रा. लि, 11 इंड. एरिया, फगवाड़ा	ओजल इंगन	IS 10001 : 81	
109. 9009568	93-02-16	सुरेन्द्र एवं सुदर्शन प्रा. लि., 147 इंड. एरिया, चंडीगढ़	घरेलू गैस बल्ब	IS 04246 : 84	
110. 9009669	93-03-01	भानंद मेटल्स, डी-62, फेज 5, एस ए एस नगर (मोहाली)	फैम्पो पीस टोटी	IS 08934 : 78	
111. 9009770	93-03-01	भानंद मेटल्स, डी-62, फेज 5, एस ए एस नगर (मोहाली)	फैम्पो थिब टोटी और स्टॉप वाल्व	IS 08931 : 78	
112. 9009871	93-03-01	त्रिवुण घाटो प्लाडस्स (प्रा.) लि., दाबवाली रोड, गुरुसर साहजी वाला, भटिंडा	परिवार पटसन के बोरे	IS 07406 : 86 भाग : 02	

1	2	3	4	5	6
113. 9004972	93-03-01	के. सी. सीमेंट इंडस्ट्रीज लि., ग्राम कुलपुर, साबलेट, सहस्रम-धनरोहा, मुरादाबाद	33 ग्रेड माधारण पोर्टलैंड सीमेंट	IS : 00269 : 89	
114. 9010018	93-03-01	बीप सीमेंट्स लि., 2 किमी परिवारा रोड, बिजनौर 246701	33 ग्रेड माधारण पोर्टलैंड सीमेंट	IS : 00269 : 86	
115. 9010149	93-03-01	नेबो ठण एम्प्लॉयर्स प्रा. लि., इंड एरिया, फेज 2, रामसरबार	घरेलू गैस ब्यूटल	IS : 04246 : 84	
116. 9010259	93-03-01	साइडिफिक इंडिया, 33 इंडस्ट्रियल एरिया, सम्बाला 133006	रोगनिर्माण हेतु सूक्ष्मदर्शी	IS : 01786 : 85	
117. 9010351	93-03-01	हुरियाणा कलकाम्ब लि., डा. मनरोड, हिमाल-125044	इस्पान के सरोइबार सगि	IS : 04323 : 80	
118. 9010452	93-03-01	एकले वेबोरेट्रीज (प्रा) लि., 5 किमी सीम का पथर, मानसा रोड, अटिवा	एम्बोसलकान 35 % ई सी	IS : 04246 : 84	
119. 9010559	93-03-01	जे. बी. एम्प्लॉयर्स (प्रा) लि., 16/5 मधुगा रोड, फरीदाबाद-121002	घरेलू गैस ब्यूटल	IS : 01165 : 92	
120. 9010654	93-03-01	हिमाचल मिलन प्रोडक्ट्स (प्रा) लि., रामपुर रोड, ग्राम कुजा, पत्रोटासतल्लि 173025	बुध पाउडर	IS : 04246 : 84	
121. 9010755	93-03-01	सीमाय एम्प्लॉयर्स राजेश काबोमी के सामने लिक रोड, फरीदाबाद 121002	घरेलू गैस ब्यूटल	IS : 04246 : 84	

[न. के. प्र. वि. 13 : 11]

एन. श्रीनिवासन, प्रार. महानिदेशक

## MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS &amp; PUBLIC DISTRIBUTION

Bureau of Indian Standards

New Delhi, the 30th June, 1993

S.O. 1632.—In pursuance of sub-regulation (5) of the Bureau of Indian Standards (certification) Regulations, 1988, the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule:—

## SCHEDULE

Sl. No.	CM/L-No.	Operative Date	Name & Address of the Party	Article/Process covered by the licence	IS : No./Part
1	2	3	4	5	6
1.	5003839	93-02-16	Packaging Udyog (Maharashtra) Pvt. Ltd. Vill. Bipronnapara PO : Begri. P.S. Domjur Howrah	Jute Bags for Packing Fertilizers, Laminated Bags Manufactured from 380 G/M SQ  68 × 39 Tarpaulin Fabric	IS : 07406 : 86 Part : 02
2.	5003940	93-02-16	Haryana Iron Works 17/3, Belur Road Lieuah Howrah	Mild Steel Tubular and Other Wrought Steel Pipe Fittings	IS : 01239 : 82 Part : 02

1	2	3	4	5
3. 5004033	930216	Agarwal Steel Complex Ltd. Serampur Delhi Road Distt. Hooghly (WB)	Cast Billet Ingots for Rolling Into Structural Steel (Standard Quality)	IS 06914:78
4. 5004134	930216	HMP Jute Mills Ltd. (Unit : Nuddea) PO: Naihati Distt. 24-Parganas (North) WB	A-Twill Jute Bags	IS 01943:64
5. 5004235	930301	Shiv Shankar Industries Plot No. 66 Phase-III Indl. Estate (New) Jagatpur Distt. Cuttack	Square Tins for Vanaspati Edible Oil & Bakery Shortenings	IS 10325:89
6. 5004336	930301	Debola Debi Krishi Yantra Udyog Ghordout Chatti G.T. Road PO: Sripally Burdwan (WB)-713103	Hand Operated Knapsack Sprayer	IS 03906:82 Part:01
7. 5004437	930301	Swastika Steel & Allied Products 8/1, Nutan Para Road Liluah Howrah-711204	Structural Steel (Standard Quality)	IS 00226:75
8. 5004538	930301	Kabir Cement Industries (P) Ltd., Indl. Area, Buxer Distt. Bhojpur (Bihar)-802101.	Ordinary Portland Cement 33 Grade	IS 00269:89
9. 5004639	930301	Sutar Chemicals (P) Ltd. AT/PO: Ranital Distt. Balasore (Orissa)-756111	Malathion 50% EC	IS 02567:78
10. 5004740	930301	Sutar Chemicals (P) Ltd., AT/PO: Ranital Distt. Balasore (Orissa)-756111	Malathion 5% DP	IS 02568:78
11. 5004841	930301	Sutar Chemicals (P) Ltd., AT/PO: Ranital Distt. Balasore (Orissa)-756111.	Endosulfan 35% EC	IS 04323:80
12. 5004942	930301	Mintu Enterprises (P) Ltd., A-5&6, Mancheswar Indl. Estate Bhubaneswar-751010.	UPVC Pipes for Potable Water Supplies	IS 04985:88
13. 5005035	930301	Sutar Chemicals (P) Ltd., AT/PO: Ranital Distt. Balasore (Orissa)-756111	Methyl Parathion 2% DP	IS 08960:78
14. 5005136	930301	The Eastern Manufacturing Co. Ltd., 1, Ali Hyder Road PO: Titagath Distt. 24 Parganas (North)	A-Twill Jute Bags	IS 01943:64
15. 5005237	930301	Pench Steels PO: Sahagunj Distt. Hooghly (WB).	High Strength Deformed Steel Bars for Concrete Reinforcement	IS 01786:85
16. 6007044	930216	Frontline Bulbs & Tubes Pvt. Ltd., NP 17, Developed Plot Sidco Indl. Estate Ekkaduthangal Madras-600097.	Gls Lamps	IS 00418:78
17. 6007145	930216	Nikhildeep Cables Pvt. Ltd., 29/4, Begapalli Road Hosur Distt. Dharampur (TN)-635109.	Acsr for Extra High Voltage	IS 00398:82 Part:05

1	2	3	4	5	6
18. 6007246	930216	Aarvee Industries 1A, K.K. Sundaram Street B.R. Puram Peelamedu Coimbatore-641004	Single Phase, Small A Electric Motors	IS 00996:79	
19. 6007347	930216	Brindavan Alloys Ltd., Peenya Indl. Area 4th Phase Bangalore-560058.	HSD Bars	IS 01786:85	
20. 6007448	930216	Ashoka Paraffins Pvt. Ltd., G.T. Road Pannamgadu Tada Mandal Ramapuram Post Nellore Distt. (AP).	Paraffin Wax	IS 04654:74	
21. 6007549	930216	Sylvan Farm Chemicals Velanatham Road M. Pudupatti Post Box No. 7 Musiri Trichi Distt. (TN)-621211.	Zinc Sulphate	IS 08249:76	
22. 6007650	930216	Madras Cements Ltd. Jayanthi Puram Jaggayyapet Krishna Distt. (AP) 521175	Portland Pozzolana Cement Fly ash Based	IS 01489:91	
23. 6007751	930216	Tropical Agrosystems Ltd., 530/2-B Vanagaram Road Athipet Ambattur Madras-600058.	Oxydemeton-Methyl 25 % EC	IS 08259:76	
24. 6007852	930301	Doorvani Cables Pvt. Ltd., 11, Dyavasandra Indl. Estate Mahadevapura Bangalore-560048.	PVC Cables, PVC Insulated and Sheathed, Copper Conductor	IS 00694:90	
25. 6007953	930301	Chola Pumps (P) Ltd., 11, Chinnaswamy Naidu Street New Siddapudur Coimbatore-641044.	Monoset Pumps for Agricultural Application	IS 09079:89	
26. 6008046	930301	Doorvani Cables Pvt. Ltd., 11, Dyavasandra Indl. Estate Mahadevapura Bangalore-560048.	PVC Insulated Winding Wires For Submersible Motors	IS 08783:78	
27. 6008147	930301	Hyderabad Cable Industry 6B/A, IDA Patancheru Medak Distt. (AP)	PVC Insulated and Sheathed Cables with Aluminium Conductor	IS 00694:90	
28. 6008248	930301	Supreme Luminaires Pvt. Ltd., F-16, Sipcot Indl. Complex Gummidipoondi Gummidipoondi (TN)-601201.	Aluminium Conductors, Galvani- zed Steel Reinforced for Overhead Transmission Purposes	IS 00398:76 Part:02	
29. 6008349	930301	Mercury Plastics S. No. 217 Surampally Gannavaram Taluk Krishna Distt. (AP).	Rigid Plain Conduits of Insulat- ing Material for Electrical Installations of Heavy and Medium Classification Only	IS 09537:83 Part:03	
30. 6008450	930301	Banu Industries 7/1-F, Avanashi Road Chinniapalayam Post Coimbatore-641062.	3-Phase Motors for Submersible Pumpsets	IS 09283:79	
31. 6008551	930301	Sri Ganga Steel Enterprises Plot No. B-20.E Sipcot Indl. Complex Gummidipoondi (TN)-601201.	HSD Bars, Grade Fe 415	IS 01786:85	



1	2	3	4	5	6
32.	6008652	930301	Superlite Industries 59/14 (New No. 93) 4th Main Road Indl. Town Rajaji Nagar Bangalore-560044.	GLS Lamps	IS 00418:78
33.	6008753	930301	Karnataka State Forest Industries Corpn. Ltd., 45-A to 49-A, Main Road Timber Yard Layout Mysore Road Bangalore-560026.	Wooden Flushdoor Shutters	IS 02202:91 Part:01
34.	6008854	930301	Malini Garments 28, 17th 'A' Main 100 Feet Road Hal Second Stage Indira Nagar Bangalore-560038.	Mosquito Net, Cotton Meeting	IS 09886:90
35.	6008955	930301	Kelachandra Pipe Industries Building No. 597 Ward No. 1 Nattakom Panchayat Kottayam (Kerala).	PVC Pipes	IS 04985:88
36.	6009048	930301	Cement Corpn. of India Ltd., Yerraguntla Cement Factory Yerraguntla Cuddappah Distt. (AP) 516309	Ordinary Portland Cement 43 Grade	IS 08112:89
37.	6009149	930301	Kamal Pipes XXX VII/1779-A "K.S. Garden" Thammanam Road Kathrikadavu Cochin (Kerala) 682017	UPVC Pipes	IS 04985:88
38.	6009250	930301	Lakshmi Chemicals 53, Bharathi Puram Shenoynagar Madras-600030.	Coal tar Food Colour Preparations	IS 05346:75
39.	6009351	930301	Sumeet Research & Holdings Ltd., Plot No. 55 Indl. Estate Ambattur Madras-600058.	Domestic Electric Food Mixer	IS 04250:80
40.	6009452	930301	Micro Tech Lighting Inds., Mini Indl. Estate Keezhmad Vazhakulam PO Alwaye (Kerala) 683105	GLS Lamps	IS 00418:78
41.	6009553	930301	Moorco (India) Ltd., 89/4, Vadugapatti Village Viralimala Pudukottai Pudukottai (TN) 621316	Flameproof Enclosures of: (1) Photo Electric Pulse Trans- Mitter (2) Electronic Valve Controller	IS 02148:81
42.	6009654	930301	Flow Tech Power 93, Sathy Road Saravanampatty Coimbatore-641035	High Density Polyethylene Pipes for Potable Water Supplies	IS 04984:87
43.	6009755	930301	Sree Lakshmi Padmavathi Aluminium Inds., Opp. To Microwave Station Karsavadi Road Mandya Mandya (Karnataka) 571401.	Non-ferrous Metal Sliding Door Bolts for Use with Padlocks	IS 02681:79

1	2	3	4	5	6
44. 6009856	930301	M.R. Fabrics 14, P.K.R. Colony Dharapuram Road Tirupur (TN)-638604.	Vest, Cotton, Plain Knitted	IS 04064:91	
45. 6009957	930301	The Southern Pesticides Corpn. Ltd., Arikirevala Near Kovvur West Godavari Distt. (AP) 534350	Monocrotophos 36% SL	IS 08074:90	
46. 6010033	930301	The Southern Pesticides Corpn., Ltd., Arikirevala Near Kovvur Distt. West Godavari (AP) 534350	Perivelerate 20% EC	IS 11997:87	
47. 7009154	930216	Goa Capacitors Pvt. Ltd., 14, Corlim Indl. Estate Corlim Ilhas Goa 403110	Shunt Capacitors for Power Systems	IS 02834:86	
48. 7009255	930216	Hind Wire Industries Plot No. 7-8 Ogalewadi Indl. Estate Karad Satara Dist.	Aluminium Conductors for Over- Head Transmission Purposes	IS 00398:76 Part:01	
49. 7009356	930216	Shree Steel Wire Ropes Ltd., Hanuman Silk Mills Compound Opp. Kanjur Marg, Rly. Station Near Huma Theatre Kanjurmarg (W) Bombay-400078.	Wire Ropes Used in Oil Wells and Oil Well Drilling	IS 04521:77	
50. 7009457	930216	President Industries, C-1/30/53/54 Phase III GIDC Estate Naroda Ahmedabad 382330	Dimethoate EC	IS: 03903:84	
51. 7009558	930301	Technobuild Engg. Pvt. Ltd., J-396, MIDC, Bosari Pune 411026	Steel Door Frames	IS 04351 : 76	
52. 7009659	930301	Manikgarh Cement, PO Godchandar Chandrapur Distt. (MS) 442908	Portland pozzolana cement	IS 01489 : 91	
53. 7009760	930301	Jaylaxmi Tin Factory Rakhial Station Tal. Tehgam Ahmedabad Distt. 382315	15 Kg square tins for vanaspati and edible oils	IS 10325 : 89	
54. 7009861	930301	Parakeet Power Processors Opp. Khodiyar Steel Furniture 2, Patel Nagar Rajkot.	Automatic line voltage correctors (step type for domestic use)	IS 08448 : 89	
55. 7009962	930301	Smita Enterprises L-302/2/6, GIDC Naroda Ahmedabad 382330	Submersible pumpsets	IS 08034 : 89	
56. 7010038	930301	Narmada Pipes Survey No. 211 Rajkot Gondal National Highway Via Bhaktinagar Station Veraval (Shapar) Rajkot.	UPVC pipes for potable water supplies	IS 04985 : 88	

1	2	3	4	5	6
57. 7010139	930301	Ajay Engineering Co. Netaji Park Marg Narayan Nagar, Opp. No. 3, Kurla Indl. Estate Ghatkopar (W) Bombay-400086	Gas cartridges for use in fire extinguishers	IS 04947 : 85	
58. 8009159	930216	Shubham Cements (P) Ltd, F-29 & G-33, 34, RIICO Indl. Area Sujangarh Distt. Churu (Raj.)-331507	Ordinary Portland Cement 33 Grade	IS 00269 : 89	
59. 8009260	930216	Saurabh Concrete Pipes Indl. Estate A.B. Road Morena-476001	Precast concrete manhole covers type- circular (Heavy Duty)	IS 12592 : 88 Part : 01	
60. 8009361	930201	Rubber Hose (India) S-69, Badli Indl. Estate Delhi-110042	Rubber hose for welding	IS 00447 : 88	
61. 8009462	930216	Jai Durga Metal Industries Khasra No. 617 Village Chhapraula Bisrakh Road Distt. Ghaziabad	15 Kg square tins	IS 10325 : 89	
62. 8009563	930216	Kamadhenu Metal Industries Khasra No. 617 Village Chhapraula Bisrakh Road Distt. Ghaziabad	15 Kg square tins	IS 10325 : 89	
63. 8009664	930216	Rajshri Cement Works 51-A, Opp. B.T.M.M. Mill Indl. Area Banswara (Raj.)	Ordinary portland cement 33 grade	IS 00269 : 89	
64. 8009765	930216	Shiva Industries M-9, Satyawati Nagar Ashok Vihar Phase III Delhi-110052	Electric immersion water heaters	IS 00308 : 87	
65. 8000866	930201	Vikrant Submersible pumps Pvt. Ltd., 42/E&F, Sector A Urla Indl. Area Raipur (MP)	Submersible pumpsets	IS 08034 : 89	
66. 8009967	930216	Saurabh Concrete Pipes Indl. Estate A.B. Road, Morena (MP)-476001	Precast concrete pipes	IS 00458 : 88	
67. 8010043	930216	Bansal Udyog 32, Ashok Park Extn. New Delhi-110026	Single phase small AC motor	IS 00996 : 79	
68. 8010144	930216	Kataria Wires Pvt. Ltd., 10, Indl. Estate Ratlam (MP)-457001	Steel wire for the core of ACSR	IS 00398 : 76 Part : 02	
69. 8010245	930216	Continental Engineers 9, Moti Dungri Road Near Unisara Gardens Jaipur-302004	Measuring current transformer	IS 02705 : 81 Part : 02	
70. 8010346	930216	Bijli Cables A 5, Wazirpur Indl. Area Delhi-110052	PVC insulated and sheathed cables for working voltages up to and including 1100 V with aluminium and copper conductors	IS 00694 : 77	

1	2	3	4	5	6
71.	8010447	930216	Bijli Cables A-5, Wazirpur Indl. Area Delhi-110052	PVC insulated and sheathed cables for working voltages up to and including 1100 V, armoured and unarmoured with aluminium and copper conductor	IS 01554 : 88 Part : 01
72.	8010548	930216	Plaza Pipe Industries Khasra No. 1132 Village & PO Rithala Indl. Area Delhi-110034	Rigid plain conduit of insulating materials for electrical installation	IS 09537 : 83 Part : 03
73.	8010649	930216	Vikram Super Cement PO Khor Vikram Nagar Distt. Mandsaur (MP)	Ordinary portland cement 53 grade	IS 12269 : 87
74.	8010750	930216	Ajmer Zila Dugdh Utpadak Sahak Ri Sangh Ltd., Ajmer (Raj.) Beawar Road Opp. HMT Ajmer (Raj.)	Skim milk powder (standard grade)	IS 13334 : 92 Part : 01
75.	8010851	930216	Modern Lubricants (P) Ltd. 42 A, East Azad Nagar Delhi-110051	Ethylene Glycole antifreeze type A	IS 05759 : 70
76.	8010952	930216	Badopalia Industries Ltd. 32-B, Indl. Area Site IV Sahibabad Distt. Ghaziabad	Stationary storage type electric water heater	IS 02082 : 85
77.	8011045	930216	Lazer Appliances Pvt. Ltd. D 104, Okhla Indl. Area Phase I New Delhi	Tungsten filament general service electric Lamp	IS 00418 : 78
78.	8011146	930216	Cab Com India 405/, Street No. 1 Mohan Nagar Extn. Samai Pur Delhi-110042	PVC insulating cable for working voltages upto and including 1100 V	IS 00694 : 90
79.	8011247 W	930216	Gajwa Cement Co. Pvt. Ltd. Jatpur (Manawar) Distt. Dhar (MP)	Ordinary portland cement 33 grade	IS 00269 : 89
80.	8011348	930216	Alwar Zila Dugdh Utpadak Sahka ri Sangh Ltd. Jaipur Road Alwar (Raj.)	Skim milk powder (standard grade)	IS 13334 : 92 Part : 01
81.	8011449	930216	Kuber Cements Pvt. Ltd. GI-44 To 49 RICO Indl. Area Ratangarh Distt. Churu (Raj.)	Ordinary portland cement 33 grade	IS 00269 : 89
82.	8011550	930216	Kataria Wires Pvt. Ltd. 10, Indl. Estate Ratlam (MP)-457001	Galvanized steel core wire for aluminium conductors steel reinforced for extra high voltage.	IS 00398:82 Part : 01
83.	8011651	930216	Acromix Chemicals & Coatings Pvt. Ltd. 327, Village Jonapur Mehrauli Delhi-110030	Integral cement waterproofing compound	IS 02645 : 75
84.	8011752	930301	Jaina Minerals Railway Station Kuchaman City (Raj.)-341508	Ordinary portland cement 33 grade	IS 00269 : 89
85.	8011853	930301	United Udyog a2/74, Vishwas Nagar Delhi-110032	Trays (stainless steel only)	IS 03993 : 82

1	2	3	4	5	6
86. 8011951	930301	Nagori Cement Pvt. Ltd., Bagh, Distt. Dhar (MP)	Ordinary portland cement 33 grade	IS 00269 : 89	
87. 8012047	930301	Basera Cement Pvt. Ltd., F-8 To F-13, RJICO Indl. Area Sri Madhpur (Raj.) 332715	Ordinary portland cement 33 grade	IS 00269 : 89	
88. 8012148	930301	Bansal Udyog D-15, Sma Co-Op Indl. Area G.T. Karnal Road Delhi-110033	Parliament Hinges	IS 00362 : 91	
89. 8012249	930301	Kamla Electrodes Indira Puram Achronda Partapur Indl. Area Meerut	Covered electrodes for manual metal arc welding of carbon and carbon manganese steel	IS 00814 : 91	
90. 8012350	930301	Yohana Paint Plot No. 84-85 New Indl. Area II Mandideep Distt. Raigarh 465046	Enamel synthetic exterior, finishing, under- coating colour categories	IS 02932 : 74	
91. 8012451	930301	Modern Plast Sector C-16 Mandideep Distt. Raigarh	15 Kg square tins	IS 10325 : 89	
92. 8012552	930301	S.S. Power Cable Industries D-95, Sector 6 NOIDA Distt. Ghaziabad	PVC insulated cables for working voltages upto and including 1100 V, sheathed & unsheathed with aluminium and copper conductors	IS 00694 : 90	
93. 8012653	930301	India Tin Products Moondakheta Road, Khurja 203131	15 Kg square tins	IS 10325 : 89	
94. 9008061	930216	Bajrang Iron Foundry B-4, Foundry Nagar, Hathras Road, PO Naraich Agra 282006	Horizontal centri water pumps	IS 06595 : 80	
95. 9008162	930216	Hero Cattle Feed C-21/22 Focal Point Moga	Compounded feed for cattle	IS 02052 : 79	
96. 9008263	930216	Charu Electricals (P) Ltd., Plot No. 12 Sector 4 Faridabad	Pump set for desert cooler	IS 11951 : 87	
97. 9008364	930216	Swastika Electricals Plot No. 17 to 20 A Block Dabua Colony Nawada Road Faridabad	Pump set for desert cooler	IS 11951 : 87	
98. 9008465	930216	Charu Electricals (P) Ltd., Plot No. 12 Sector 4 Faridabad	AC capacitor start & run motor	IS 00996 : 79	
99. 9008566	930216	Ambey Enterprises C-1, Indl. Estate Aligarh 202001	Steel Butt Hinges	IS 01341 : 92	

1	2	3	4	5	6
100.	9008667	930216	Dinosh Wires Near Govt. Mushroom Centre National Highway Chambaghat (PB)	Galvanized steel barbed wire	IS 00278 : 78
101.	9008768	930216	Ananta Cement & Allied Products (P) Ltd., Post Box No. 3 Vill : Barotiwala Teh. Paonta Sahib Barotiwala	Cement OPC 33 grade	IS 00269 : 89
102.	9008869	930216	Surendra Steel Rolling Mills Amloh Road Mandi Gobindgarh Mandi Gobindgarh (PB)	Structural steel (Standard quality)	IS 06914 : 78
103.	9008970	930216	Nav Durga Steel Corpn. Nabha Road Amloh Distt. Patiala	Weldable structural steel	IS 02062 : 84
104.	9009063	930216	Dhiman Industries Guru Ki Nagri Mandi Gobindgarh	Weldable structural steel	IS 02062 : 84
105.	9009164	930216	Shakti Metal Works S-254 Indl. Area Jalandhar	Ferrules for water services	IS 02692 : 89
106.	9009265	930216	Jai Chemicals 14/1, Mathura Road Faridabad-121003	Anilphos 30% EC	IS 13403 : 92
107.	9009366	930216	Northern Minerals Ltd. Daulatabad Road Gurgaon (Haryana) 122001	Anilphos 30% EC	IS 13403 : 92
108.	9009467	930216	Bawa Industries Pvt. Ltd., 11, Indl. Area Phagwara	Diesel Engines	IS 10001 : 81
109.	9009568	930216	Sundra & Sundarshan Pvt. Ltd., 147, Indl. Area Chandigarh	Domestic Gas Stove	IS 04246 : 84
110.	9009669	930301	Anand Metals D-62, Phase V Sas Nagar (Mohali)	Fancy Piller Taps	IS 08934 : 78
111.	9009770	930301	Anand Metals D-62, Phase V Sas Nagar (Mohali)	Fancy Bib Taps & Stop valves	IS 08931 : 78
112.	9009871	930301	Tirgun Auto Plast (P) Ltd. Dabwali Road Near Vill : Guruser Sahnawala Bhatinda	Laminated jute bags	IS 07406 : 86 Part : 02
113.	9009972	930301	K.C. Cement Industries Ltd., Vill : Phoolpur Mithanpur Post Chajlet Teh Amroha Moradabad	Cement OPC 33 grade	IS 00269 : 89
114.	9010048	930301	Bheem Cements Ltd., 2 Km, Haridwar Road Bijnor-246701	Cement OPC 33 grade	IS 00269 : 86

1	2	3	4	5	6
115. 9010149	930301	Lady Touch Appliances Pvt. Ltd., 73, Indl. Area Phase II Ram Darbar Chandigarh	Domestic Gas Stoves		IS 04246 : 84
116. 9010250	930316	Scientific India 33 Industrial Area Ambala Cantt.-133001	Pathological Microscope		IS 04331 : 67
117. 9010351	930301	Haryana Concast Ltd., PO Satrod Hissar-125044	Twisted steel bars		IS 01786 : 85
118. 9010452	930301	Atlay Laboratories (P) Ltd., 5 KM, Mile Stone Mansa Road Bhatinda	Pest Endosulphan 35% EC		IS 04323 : 80
119. 9010553	930301	J.B. Appliances (P) Ltd., 16/5, Mathura Road Faridabad-121002	Domestic Gas Stove		IS 04246 : 84
120. 9010654	930301	Himachal Milk Products (P) Ltd., Rampur Road Vill. Kunja Paonta Sahib-173025	Milk Powder		IS 01165 : 92
121. 9010755	930301	Shobhagya Appliances Opp. Rajendra Colony Link Road Faridabad-121002	Domestic Gas Stove		IS 040246 : 84

[No. CMD/13 : 11]  
N. SRINIVASAN, Addl. Director General

### पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 13 जुलाई, 1993

का. प्र. 1633.-केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पादार्थोद्भूत (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अन्तर्गत जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. प्र. 164, तारीख 30 जनवरी, 1993 द्वारा, जो भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii), में प्रकाशित की गई थी, पेट्रोलियम के परिवहन के लिए पाइपलाइन विधान के प्रयोजनार्थ उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अन्तर्गत अधिप्राप्त की जायगी।

और उक्त राजपत्रित अधिसूचना का प्रतियोग जनता को तारीख 26 फरवरी, 1993 को उपलब्ध कराया जाई जायगी,

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में मध्यम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार को उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जायगी ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जित करने की घोषणा करती है ;

यह और कि केन्द्रीय सरकार उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाए सभी विभागों से रहित, इंडियन आयल कारपोरेशन लिमिटेड में निहित होगा।

### अनुसूची

तहसील : पालीपत		जिला : पालीपत			
शिव की नाम	हदबरा नं.	गुस्तील नं.	क्षेत्रफल	हक्टर	अर
	नं.	किलो नं.			मीटर
1	2	3	4	5	6
कायथ	91	22			
		12/1	0	10	87
		12/2	0	00	31
		48			
		7	0	03	79
बाहुर	89	3			
		24	0	00	25
ईमरावा	66	7			
	67	13	0	03	03
		16	0	10	37
		25/2	0	11	38

1	2	3	4	5	6
कांरख	64	109 7	0	00	25
कांरखा	41	38 5 139 3 9 13 19 22	0	10	37
बोहली	12	43 11 19 20 21 22 49 2	0	07	08
रजापुर	13	13 1/3	0	04	30
तहसील : करनाल जिला : करनाल					
गोजख	34	17 9/2 12	0	03	04
घदलाना	25	95 23/1 23/2 102 2/1 2/2 105 1/1 1/2	0	01	77
कुताना	26	38 1	0	08	85
मुतवा	28	152 20/1 20/2 22/1 22/2 226 5 234 7	0	09	36
बाचर	62	222 23 260 23/2 305 2	0	04	05

[संख्या-भार-31015/14/93-ओ. धार-1]

कुलदीप सिंह, अवर सचिव

## MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 13th July, 1993

S.O. 1633.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 184, dated the 30th January, 1993, published in the Gazette of India, Part II, Section 3, Sub-section (ii), issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of Petroleum;

And whereas the copies of the said Gazette notification were made available to the public on the 26th day of February, 1993;

And whereas the Competent Authority in pursuance of Sub-section (1) of section 6 of the said Act has made his report to the Central Government;

And whereas the Central Government after considering the said report is satisfied that the right of user in the lands specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the Schedule appended to this notification are hereby acquired;

And further in exercise of the powers conferred by sub-section (4) of the said section, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest, free from all encumbrances, in the Indian Oil Corporation Limited,—

## SCHEDULE

Tehsil : Panipat		District : Panipat			
Name of Village	Hadbast No.	Mustateel/Killa No.	Area		
			Hec-tare	Are	Cent-tiare
1	2	3	4	5	6
Kayath	91	22 12/1 12/2 48 7	0	10	87
Shah Pur	89	3 24	0	00	25
Israua	66 67	72 15 16 25/2	0	03	03
Karad	64	109 7	0	00	25
Kalkhu	41	89 5 129 3 9	0	10	37
			0	02	28
			0	11	38



1	2	3	4	5	6
Bohli	12	12	0	11	38
		19	0	11	38
		22	0	11	13
		43			
		11	0	07	08
		19	0	00	76
		20	0	12	14
		21	0	01	77
		22	0	11	13
Razapur	13	49			
		2	0	10	87
		13			
		1/3	0	04	30
Tehsil : Karnal		District : Karnal			
Ganjbad	34	17			
		9/2	0	03	04
		12	0	01	52
Dadlana	25	95			
		23/1	0	01	77
		23/2	0	10	88
		102			
		2/1	0	11	38
		2/2	0	01	01
		105			
		1/1	0	00	25
		1/2	0	01	52
Kutana	26	38			
		1	0	08	85
Munak	28	152			
		20/1	0	09	36
		20/2	0	02	78
		22/1	0	00	51
		22/2	0	11	88
		226			
		5	0	04	55
		234			
Dachar	62	7	0	00	25
		222			
		23	0	04	05
		260			
		23/2	0	04	30
		305			
		2	0	02	27

[No. R-31015/14/93-OR-I]  
KULDIP SINGH, Under Secy.

नई दिल्ली, 13 जुलाई, 1993

का. भा. 1634--केन्द्रीय सरकार को यह प्रतीत होता है कि लोक हित में ऐसा आवश्यक है कि राजस्थान राज्य में चाकसू से हरियाणा राज्य में बहोली (कर्माल) तक पेट्रोपियम के परिवहन के लिए इंडियन आयल कॉर्पोरेशन लिमिटेड द्वारा पाईप लाईन बिछाई जाए ;

और ऐसा प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना में उल्लेख अनुसूची में वर्णित भूमि के उपयोग के अधिकार का अर्जन करना आवश्यक है ;

अतः, अब, केन्द्रीय सरकार, पेट्रोपियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अनेक आशय की घोषणा करती है ।

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां जनता को उपलब्ध करा दिए, 1580 GI/93-4.

जाने की तारीख से 21 दिन के भीतर उनमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने में आगति लिखित रूप में श्री हनुमान महाय बाबड़ा, लायजन् अधिकारी और सक्षम प्राधिकारी, इंडियन आयल कॉर्पोरेशन लिमिटेड, डी-45/बी, मुभाष मार्ग, सी-स्कीम, जयपुर-302 001 को कर सकेगा ।

अनुसूची

तहसील :	चाकसू	जिला :	जयपुर	राज्य	राजस्थान
गांव का नाम	खसरा नं.	क्षेत्रफल	हैक्टर	आर.	बर्ग-मीटर

1	2	3	4	5
चाकसू	1075	0	08	06
मकसुदनपुरा	171	0	04	64
देवकीनन्दनपुरा	56	0	24	85

[सं० आर-31015/8/93--ओ. आर-1]

कुलवीर सिंह, अवर सचिव

New Delhi, the 13th July, 1993

S.O.1634.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Chaksu in the state of Rajasthan to Baholli (Karnal) in the state of Haryana, pipelines should be laid by the Indian Oil Corporation Limited;

And whereas it appears that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may within 21 days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri H.S. Bagera, Liaison Officer and Competent Authority, Indian Oil Corporation Limited, D-45/B, Subhash Marg, 'C' Scheme, Jaipur-302001.

#### SCHEDULE

Tehsil : Chaksu		District : Jaipur		State : Rajasthan	
Name of Village	Khasra No.	Area			
		Hectare	Area	Centiare	
1	2	3	4	5	
Chaksu	1075	0	08	06	
Mak Sidanpura	171	0	04	64	
Devki Nandan Pura	56	0	24	85	

[No. R-31015/8/93-O.R.I.]  
KULDIP SINGH, Under Secy.

नई दिल्ली, 13 जुलाई, 1993

का. प्रा. 1635—केन्द्रीय सरकार को यह प्रतीत होता है कि लोक-हित में ऐसा आवश्यक है कि राजस्थान राज्य में चाकूम से हरियाणा राज्य में बहोली (कर्नाल) तक पेट्रोलियम के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जाए ;

और ऐसा प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजनों के लिए इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि के उपयोग के अधिकार का अर्जन करना आवश्यक है ;

अतः अब, केन्द्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ।

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां जनता को उपलब्ध करा दिए जाने की तारीख से 21 दिन के भीतर उनमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने में आपत्ति लिखित रूप में श्री हनुमान महाय बागड़ा, लायज़न अधिकारी और सक्षम प्राधिकारी इंडियन ऑयल कॉर्पोरेशन लिमिटेड, डी-45/बी सुभाष मार्ग, सी-स्कीम जयपुर 302001 को कर सकेगा ।

अनुसूची

तहसील : बस्सी	जिला : जयपुर	राज्य : राजस्थान	क्षेत्रफल		
गांव का नाम	खसरा नं.	हेक्टेयर	घर	बं. मीटर	
1	2	3	4	5	
रलावता	6	0	02	50	
कानरवास	32	0	03	45	
	56	0	14	50	
भटसारी	33	0	91	80	
	34	0	33	48	
	36	0	37	80	

[सं. आर-31015/8/93-ओ. आर.-1]

कुलदीप सिंह, अवर सचिव

New Delhi, the 13th July, 1993

S.O.1635. - Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Chaksu in the State of Rajasthan to Baholli (Karnal) in the State of Haryana, pipeline should be laid by the Indian Oil Corporation Ltd;

And whereas it appears that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by subsection (1) of section 3 of Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Any person interested in the land described in the said Schedule may within 21 days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri H.S. Bagera, Liaison Officer and Competent Authority, India Oil Corporation Limited, D-45/B, Subhash Marg, 'C' Scheme, Jaipur-302001.

## SCHEDULE

Tehsil : Bassi	District : Jaipur	State : Rajasthan			
Name of village	Khasra No.	Area	Hec-tare	Are	Centiare
1	2	3	4	5	
Ralawata	6	0	02	50	
Kanarwas	32	0	03	45	
	56	0	14	50	
Bhatesari	33	0	91	80	
	34	0	33	48	
	36	0	37	80	

[No. R-31015/8/93-O.R.I.]

KULDIP SINGH, Under Secy.

नई दिल्ली, 13 जुलाई, 1993

का. प्रा. 1636—केन्द्रीय सरकार को यह प्रतीत होता है कि लोक-हित में ऐसा आवश्यक है कि राजस्थान राज्य में चाकूम से हरियाणा राज्य में बहोली (कर्नाल) तक पेट्रोलियम के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जाए ।

और ऐसा प्रतीत होता है कि उक्त पाइप लाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि के उपयोग के अधिकार का अर्जन करना आवश्यक है ;

अतः अब केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ।

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां जनता को उपलब्ध करा दिए जाने की तारीख से 21 दिन के भीतर उनमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने में आपत्ति लिखित रूप में श्री हनुमान महाय बागड़ा, लायज़न अधिकारी और सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, डी-45/बी, सुभाष मार्ग, सी-स्कीम, जयपुर-302 001 को कर सकेगा ।

अनुसूची

तहसील : सांभावेर	जिला : जयपुर	राज्य : राजस्थान	क्षेत्रफल		
गांव का नाम	खसरा नं.	हेक्टेयर	घर	बं. मीटर	
1	2	3	4	5	
सोबिन्धपुरा उर्फ रोपाड़ा	937	0	07	56	
सोबिन्धपुरा उर्फ सानावूला	8	0	16	20	

[सं. आर.-31015/8/93-ओ. आर.-1]

कुलदीप सिंह, अवर सचिव

New Delhi, the 13th July, 1993

S.O. 1636.—Whereas it appears to the Central Government that it is necessary in the public interest that for the Transport of Petroleum from Chaksu in the State of Rajasthan to Baholli (Karnal) in the state of Haryana, pipelines should be laid by the Indian Oil Corporation Limited;

And whereas it appears that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within 21 days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general Public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land, to Shri H.S. Bagera, Liaison Officer and Competent Authority, Indian Oil Corporation Limited, D-45/B, Subhash Marg, 'C' Scheme, Jaipur-302001.

## SCHEDULE

Tehsil : Sanganer	District : Jaipur	State : Rajasthan			
Name of village	Khasra No.	Area			
			Hec-	Acre	Cent-
			tare	tiare	
1	2	3	4	5	
Govind pura urf. Ropara	937	0	07	56	
Govindpura urf. Matasula	8	0	16	20	

[No. R-31015/8/93-O.R.]

KULDIP SINGH, Under Secy.

शुद्धि-पत्र

नई दिल्ली, 13 जुलाई, 1993

का. आ. 1637 :—केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 6 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 3033 तारीख 12 दिसम्बर, 1992 (हिन्दी पाठ) द्वारा जो भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) के पृष्ठ 4546 पर प्रकाशित हुई थी, यह घोषणा की थी कि पेट्रोलियम के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए;

और केन्द्रीय सरकार के ध्यान में यह लाया गया है कि राजपत्र में उक्त अधिसूचना के प्रकाशन में मुद्रण प्रकृति की गलती हुई है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना से उपाबद्ध अनुसूची का निम्न प्रकार से संशोधन करती है,

पृष्ठ संख्या—4546—के बांये भाग, में ग्राम के नाम के कॉलम में “बोध” शब्द के स्थान पर ‘बोध’ शब्द पढ़ें।

यह और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि के उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय, सभी विल्लमों से मुक्त होकर, इंडियन ऑयल कारपोरेशन लिमिटेड में निहित होगा।

[संख्या आर-31015/9/93/ओ आर-1]

कुलदीप सिंह, अवर सचिव

## CORRIGENDUM

New Delhi, the 13th July, 1993

S.O. 1637.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 3033, dated the 12th December, 1992, published in the Gazette of India, Part-II, Section 3, Sub-section (ii), at pages 4546-4547 issued under sub-section (1) of section 6 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared that the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines for transport of petroleum, should be acquired;

And whereas, it has been brought to the notice of the Central Government that certain errors of printing nature have occurred in the publication of the said notification in the Gazette;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby amends the Schedule annexed to the said notification as follows :

at pages 4547, in column 1, against survey no. 860 insert the name of Village “Vondh”.

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said act, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest free from all encumbrances in the Indian Oil Corporation Limited.

[No. R-31015/9/93/OR-I]

KULDIP SINGH, Under Secy.

शुद्धि-पत्र

नई दिल्ली, 13 जुलाई, 1993

का. आ. 1638 :—केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 6 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधि-

सूचना सं. का. आ. 3035 तारीख 12 दिसम्बर, 1992 (हिन्दी पाठ) द्वारा जो भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii) के पृष्ठ 4548 पर प्रकाशित हुई थी, यह घोषणा की थी कि पेट्रोलियम के परिवहन के लिए पाइप-लाइन बिछाने के प्रयोजन के लिए उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए ;

और केन्द्रीय सरकार के ध्यान में यह लाया गया है कि राजपत्र में उक्त अधिसूचना के प्रकाशन में मुद्रण प्रकृति की गलती हुई है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना से उपाबद्ध अनुसूची का निम्न प्रकार से संशोधन करती है :—

पृष्ठ संख्या 4548—के दाहिने भाग में सर्वे संख्या के कॉलम (2) के पन्द्रहवीं पंक्ति पर लिखे “661” के स्थान पर “361” पढ़ें ।

यह और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि के उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय, सभी विल्लमों से मुक्त होकर, इंडियन ऑयल कारपोरेशन लिमिटेड में निहित होगा ।

[संख्या आर-31015/9/93-ओ आर-1]

कुलदीप सिंह, अवर सचिव

#### CORRIGENDUM

New Delhi, the 13th July, 1993

S.O. 1639.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 3036 dated the 12th December, 1992, published in the Gazette of India, Part-II, Section 3, Sub-section (ii), at pages 4550-4551, issued under sub-section (1) of section 6 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared that the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines for transport of petroleum, should be acquired ;

And whereas, it has been brought to the notice of the Central Government that certain errors of printing nature have occurred in the publication of the said notification in the Gazette;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby amends the Schedule annexed to the said notification as follows :

at page 4551, in column 1 against survey no. 21/2, insert the name of Village “Chudva”;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest free from all encumbrances in the Indian Oil Corporation Limited.

[No. R-31015/9/93/OR-II  
KULDIP SINGH, Under Secy.

मुख्य-पत्र

नई दिल्ली, 13 जुलाई, 1993

का. आ. 1640 :—केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे सभे इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 6 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 3036 तारीख 12 दिसम्बर, 1992 (हिन्दी पाठ) द्वारा जो भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii) के पृष्ठ 4550 पर प्रकाशित हुई थी, यह घोषणा की थी कि पेट्रोलियम के परिवहन के लिए पाइप-लाइन बिछाने के प्रयोजन के लिए उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए ;

और केन्द्रीय सरकार के ध्यान में यह लाया गया है कि राजपत्र में उक्त अधिसूचना के प्रकाशन में मुद्रण प्रकृति की कतिपय गलतियां हुई हैं ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिसूचना से उपाबद्ध अनुसूची का निम्न प्रकार से संशोधन करती है,

पृष्ठ—4550—के बांये भाग में ऊपर से सतरहवीं पंक्ति पर कॉलम (2) के सर्वे संख्या ‘21/2’ के सामने ग्राम के नाम के कॉलम (1) में ‘चुड़वा’ शब्द अंतःस्थापित करें ।

—के दाहिने भाग में ऊपर से चौथी पंक्ति पर कॉलम (2) के सर्वे संख्या “116/3” के सामने के कॉलम (1) में “पडाणा” शब्द अंतःस्थापित करें ।

—के दाहिने भाग में ऊपर से छठवीं पंक्ति पर सर्वे संख्या ‘121’ के सामने आर के कॉलम (4) में लिखे ‘18’ के स्थान पर ‘19’ पढ़ें ।

यह और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि के उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाए, सभी विल्लमों से मुक्त होकर, इंडियन ऑयल कारपोरेशन लिमिटेड में निहित होगा ।

[संख्या आर-31015/9/93-ओ आर -1]  
कुलदीप सिंह, अवर सचिव

## शहरी विकास मंत्रालय

(दिल्ली प्रभाग)

नई दिल्ली, 7 जुलाई, 1993

का. आ. 1641.—दिल्ली नगर कला आयोग अधिनियम, 1973 (1974 का 1) की धारा 5 की उपधारा (v) के साथ पठित धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार शहरी विकास मंत्रालय की दिनांक 5 दिसम्बर, 1991 की अधिसूचना संख्या ए-11013/4/84—डी. डी. V/बी/VI/1 बी. के अधिक्रमण में, केन्द्र सरकार एतद्वारा श्री आर. बेनर्जी को डा. पी. एस. सुन्दरम के स्थान पर दिल्ली नगर कला आयोग के अंशकालिक सदस्य के रूप में तत्काल प्रभाव से नियुक्त करती है।

[संख्या ए-11013/4/84—डी. डी. बी. बी./VI/1बी]

विजय कुमार, अवसर सचिव

MINISTRY OF URBAN DEVELOPMENT

(Delhi Division)

New Delhi, the 7th July, 1993

S.O. 1641.—In exercise of the powers conferred by Section 4 read with Sub-section (v) of Section 5 of the Delhi Urban Arts Commission Act, 1973 (1 of 1974) and in supersession of Government of India, Ministry of Urban Development Notification No. A-11013/4/84-DDVB/VI/IB, dated the 5th December, 1991, the Central Government hereby appoints Shri R. Bannerji as part-time Member of the Delhi Urban Arts Commission vice Dr. P.S.A. Sundaram with immediate effect.

[No. A-11013/4/84-DDVB/VI/IB]

VIJAY KUMAR, Under Secy.

## दिल्ली विकास प्राधिकरण

सार्वजनिक सूचना

नई दिल्ली, 26 जुलाई, 1993

का. आ. 1642 :—केन्द्रीय सरकार का, दिल्ली की मुख्य योजना/क्षेत्रीय विकास योजना में निम्नलिखित संशोधन करने का प्रस्ताव है, जिसे जनता की जानकारी के लिए एतद्वारा प्रकाशित किया जाता है। प्रस्तावित संशोधन के सम्बन्ध में यदि किसी व्यक्ति को कोई आपत्ति हो/कोई सुझाव देना हो तो वह अपनी आपत्ति/सुझाव लिखित रूप में इस सूचना के जारी होने की तारीख से तीस दिनों की अवधि के अंदर सचिव, दिल्ली विकास प्राधिकरण, विकास सदन, "बी" ब्लॉक, आई. एन. ए., नई दिल्ली को भेज दें। आपत्ति करने/सुझाव देने वाले व्यक्ति को अपना नाम और पता भी अवश्य देना चाहिए।

संशोधन :—

"शंकराग्राम अस्पताल को जाने वाली सड़क और ओल्ड राजेन्द्र नगर के ब्लॉक सं. 35 के साथ वाली लेन के जंक्शन के बीच वाले भाग में शंकर रोड़ के मार्गाधिकार को 61 मी. मार्गाधिकार से दोनों ओर की एक सम्पत्ति रेखा से दूसरी सम्पत्ति रेखा के बीच विद्यमान उपलब्ध मार्गाधिकार तक कम करने का प्रस्ताव है।"

(2) इस प्रकार उपलब्ध होने वाली भूमि के भूमि उपयोग को "परिवहन" (सड़क परिचालन) से "आवासीय" में परिवर्तित किया जाना प्रस्तावित है।"

(3) प्रस्तावित संशोधन की दर्शाने वाला नक्शा निरीक्षण के लिए उपयुक्त अवधि के दौरान सभी कार्य दिवसों में उपनिदेशक, मुख्य योजना अनुभाग छठी मंजिल, आई. पी. एस्टेट, नई दिल्ली के कार्यालय में उपलब्ध होगा।

[सं. एफ 5 (17)/69-एम. पी. पार्ट-I]

रणबीर सिंह, सचिव

DELHI DEVELOPMENT AUTHORITY

PUBLIC NOTICE

New Delhi, the 26th July, 1993

S.O. 1642.—The following modification which the Central Government proposes to make in the Master Plan/Zonal Development Plan for Delhi, is hereby published for public information. Any person having any objection/suggestion with respect to the proposed modification may send the objection/suggestion in writing to the Secretary, Delhi Development Authority, Vikas Sadan, 'B' Block, I.N.A., New Delhi within a period of thirty days from the date of issue of this notice. The person making the objection/suggestion should also give his name and address :

## MODIFICATION :

1. "It is proposed to reduce the right of way (R/W) of Shankar Road in the portion between junction with the road leading to Ganga Ram Hospital and with the lane along block no. 35 of Old Rajinder Nagar from 61 mtrs. r/w to the existing available Road right of way (R/W) from property line to property line on either side".

(ii) The land use of the area, thus becoming available is proposed to be changed from 'transportation' (Road Circulation) to 'residential'."

2. The plan indicating the proposed modification will be available for inspection at the office of Deputy Director, Master Plan Section, 6th floor, Vikas Sadan, Vikas Minar, I.P. Estate, New Delhi, on all working days within the period referred above.

[No. F. 5(17)/69-MP Pt. I]

RANBIR SINGH, Secy.

## सूचना और प्रसारण मंत्रालय

आदेश

नई दिल्ली, 6 जुलाई, 1993

का. आ. 1643.—भारत सरकार के सूचना और प्रसारण मंत्रालय के दिनांक 2 दिसम्बर, 1966 के आदेश संख्या का.आ. 3792, की प्रथम अनुसूची में विनिर्दिष्ट प्रत्येक अधिनियम के उपबंध के अन्तर्गत जारी निर्देशों के अनुसरण में, केन्द्रीय सरकार एतद्वारा फिल्म सलाहकार बोर्ड, बम्बई की चिकारियों पर विचार करने के उपरांत 7-1-93 से 16-2-93 तक की अवधि से संबंधित संलग्न अनुसूची के कालम 2 में विनिर्दिष्ट फिल्मों का, जिसका/जिनका विवरण उपर्युक्त अनुसूची के कालम 6 में दिया गया है, उसके/उनके सभा भाषा रूपान्तरों के साथ स्वीकार करता है।

## अनुसूची

क्रम० सं०	फिल्म का शीर्षक	फिल्म की सम्बाद्धि मोटारों में	प्राप्तकर्ता का नाम	निर्माता का नाम	संक्षिप्त विवरण/सार कि क्या यह वैज्ञानिक शिक्षा-प्रयोजी या समाचारों और सामामयिक घटनाओं से संबंधित फिल्म या वृत्तचित्र है।
1	2	3	4	5	6
1.	समत्वम-4	230.00	मुख्य निर्माता फिल्म प्रभाग, 24, पैडर रोड, बम्बई	मुख्य निर्माता फिल्म प्रभाग, 24, पैडर रोड, बम्बई।	सामान्य प्रदर्शनार्थ अनुमोदित तथा वृत्तचित्र के रूप में वर्गीकृत तथापि, बोर्ड का दृढ़ मत है कि देश में मौजूदा साम्प्रदायिक तनाव के कारण यह समय फिल्म प्रदर्शन के लिए उपयुक्त नहीं है. संभवतः सिनेमा थियेटर्स में विभिन्न दर्शकों द्वारा फिल्म का सवस्थता को पूर्णतः सराहा न जाए।
2.	पुष्प-स्मरण	257.25	सूचना एवं जनसंपर्क महानिदेशालय, महाराष्ट्र सरकार फिल्म केन्द्र, 68, मारवेय रोड, बम्बई।		महाराष्ट्र मंडल में प्रदर्शनार्थ अनुमोदित तथा वृत्तचित्र के रूप में वर्गीकृत।
3.	ट्रिस्ट उड़ीसा	449.00	मुख्य निर्माता, फिल्म प्रभाग, 24, पैडर रोड, बम्बई।		सामान्य प्रदर्शनार्थ अनुमोदित तथा वृत्तचित्र के रूप में वर्गीकृत।
4.	न्यूज मैगजीन नं० 234 (रीचिंग घाउट फॉर बियॉण्ड)	450.00	-तथैव-		--तथैव--
5.	गुलशन का कली	365.48	श्री असेन्द्र कुमार सै० फिल्म फ्लेयर 511/78, बाबशाह नगर, पो.घा. नया हैदराबाद, लखनऊ।		--तथैव--
6.	न्यूज मैगजीन सं० 235 (अंतर- राष्ट्रीय फिल्म महोत्सव)	359.00	मुख्य निर्माता, फिल्म प्रभाग 24, पैडर रोड, बम्बई।		-तथैव-
7.	गुजरात नी विकास गाथा, जामनगर	582.47	सूचना निदेशक, गुजरात सरकार सचिवालय, खंड 7, गांधी नगर		गुजरात मंडल में सामान्य प्रदर्शनार्थ अनुमोदित तथा वृत्तचित्र के रूप में वर्गीकृत।

[संख्या 315/1/93-एफ० (पो)]

विजय कुमार, डेस्क प्रविकारः

MINISTRY OF INFORMATION AND BROADCASTING  
ORDER

New Delhi, 6th July, 1993

S.O. 1647—In pursuance of the directions issued under the provisions of each of the enactments specified the first Schedule to the Order of the Government of India in the Ministry of Information and Broadcasting No. S.O. 3772 dated 2nd December, 1966 the Central Government after considering recommendations of the Film Advisory Board Bombay hereby approves the films specified in column 2 of the Schedule annexed hereto in all its/their language versions to be of the description specified against it/each in column 6 of the said Schedule pertaining to the period 7-1-93 to 16-2-1993.

## SCHEDULE

S. No.	Title of the film	Length of the film	Name of the Applicant	Name of the Producer	Brief synopsis whether a scientific film or for educational purpose or a film dealing with news & current events or documentary films
1	2	3	4	4	6
1.	Samathvam IV	230.00	The Chief Producer, Films Divn. 24 Peddar Road, Bombay	The Chief Producer, Films Divn. 24 Peddar Road, Bombay	Approved for general release and classified as 'Documentary'. However, the Board is of the strong opinion that because of the present

1	2	3	4	5	6
					communal tension in the country, this is not the appropriate time for the release of the film, for the honest intention of the film may not be fully appreciated by the heterogeneous audience in cinema theatres.
2. Punyasmaran	257.25	Dir. Gen. of Inform & Pub. Relations Govt. of Maharashtra, Film Centre, 68 Tardeo Road, Bombay.			Approved for release in Maharashtra circuit and classified as 'Documentary'.
3. Tourists Orissa	449.00	The Chief Producer, Films Division, 24 Peddar Road, Bombay.			Approved for general release and classified as 'Documentary'.
4. News Magazine No. 234 (Reaching out far beyond)	450.00	-do-			-do-
5. Gulshan Ki Kali	365.48	Shri Asendra Kumar, M/s. Film Flare, 511/78 Badshah Nagar, P.O. New Hyderabad Lucknow			-do-
6. News Magazine No. 235 (International Film Festival)	359.00	The Chief Producer, Film Division, 24 Peddar Road, Bombay.			Approved for general release and classified as Documentary.
7. Gujarat Ni Vikas Gatha Jamnagar Nillo	582.47	Director of Information Govt. of Gujarat, Schivalaya, Block 7, Gandhinagar.			Approved for general release in Gujarat circuit and classified as 'Documentary'.

[No. 315/1/93-F (P)]

VIJAY KUMAR, Desk Officer

## आदेश

नई दिल्ली, 7 जुलाई, 1993

का० आ० 1644:- भारत सरकार के सूचना और प्रसारण मंत्रालय के दिनांक 2 दिसम्बर, 1966 के आदेश संख्या का० आ० 3792 का प्रथम अनुसूची में विनिर्दिष्ट प्रत्येक दृष्टिगत के उपबंध के अन्तर्गत जारी निर्देशों के अनुसरण में, केन्द्रीय सरकार एतद्वारा फिल्म मलाहकार बोर्ड, बम्बई की सिफारिशों पर विचार करने के उपरांत, 1-8-92 से 15-12-92 तक की अवधि से संबंधित संलग्न अनुसूची के कालम 2 में विनिर्दिष्ट फिल्मों को, जिसका/जिनका विवरण उपर्युक्त अनुसूची के कालम 6 में दिया गया है, उसके/उनके सभी भाषा रूपान्तरों के साथ स्वीकार करती है।

## अनुसूची

क्रम	फिल्म का शीर्षक सं०	फिल्म की लम्बाई (मीटरों में)	आदेशक का नाम	निर्माता का नाम	संक्षिप्त विवरण/सार कि क्या यह वैज्ञानिक, शिक्षा प्रयोजी या समाचारों समसामयिक घटनाओं से संबंधित फिल्म या वृत्तचित्र है।
1	2	3	4	5	6
1.	द्वैतकोलम्	298.00	श्री पी.टी. रामकृष्णन, केरल	आयरिस मूवी सेकर्स	सामान्य प्रदर्शनार्थ अनुसूचित तथा वृत्तचित्र के रूप में वर्गीकृत।
2.	हियर लैटर राइटर	306.00	श्री प्रवीण वीक्षित, बम्बई		---तथैव---

1	2	3	4	5	6
3. साहित्यी चित्र सं० 513	216.41	गुजरात सरकार, गांधी नगर।			गुजरात मंडल में समाचार एवं समसामयिक घटनाओं के रूप में प्रदर्शनार्थ अनुमोदित।
4. सहकारिता की सफल गाथा, कुशको	579.40	श्री प्रदीप दीक्षित, बम्बई।			वृत्तचित्र के रूप में सामान्य प्रदर्शनार्थ अनुमोदित।
5. ज्योत्सना हार्ना पालन्यावा डोरी	319.43	सूचना एवं जनसंघर्ष महाविद्यालय, महाराष्ट्र शासन, फिल्म केंद्र, 68 भारदेव रोड, बम्बई।			महाराष्ट्र मंडल में समाचार एवं समसामयिक घटनाओं के रूप में सामान्य प्रदर्शनार्थ अनुमोदित।
6. स्वर के सहारे	602.28	डॉ० इन्द्र विश्वोई, 402, मॉगेल ग्रीन फाउंडम, ए.सी. नंबर रोड, जुहू, बम्बई।			वृत्तचित्र के रूप में सामान्य प्रदर्शनार्थ अनुमोदित।
7. सुनो बहुरानी	425.00	मुख्य निर्माता, फिल्म प्रभाग, 24 पैडर रोड, बम्बई।			--तथैव--
8. न्यूज मैगजिन सं० 228	432.00	--तथैव--			महाराष्ट्र मंडल में समाचार एवं समसामयिक घटनाओं के रूप में प्रदर्शनार्थ अनुमोदित।
9. न्यूज मैगजिन सं० 229	449.00	--तथैव--			समाचार एवं समसामयिक घटनाओं के रूप में सामान्य प्रदर्शनार्थ अनुमोदित।
10. बी.के. कृष्ण मेनन	557.00	श्री रामू अरविंदन, 16/540, जगती, त्रिवेन्द्रम-14			वृत्तचित्र के रूप में सामान्य प्रदर्शनार्थ अनुमोदित।
11. साहित्यी चित्र सं० 514	179.83	समुच्चय निदेशक, सूचना गुजरात सरकार, भूतल, धनराज महल छत्रपति शिवाजी महाराज मार्ग, बम्बई।	सूचना निदेशक, गुजरात सरकार सचिवालय, गांधीनगर, गुजरात		गुजरात मंडल में समाचार एवं समसामयिक घटनाओं के रूप में प्रदर्शनार्थ अनुमोदित।
12. साहित्यी चित्र संख्या 515	216.41	--तथैव--	--तथैव--		--तथैव--
13. न्यूज मैगजिन सं० 232 (सामाजिक श्रेय का गुणवत्तापूर्ण)	551.00	मुख्य निर्माता, फिल्म प्रभाग, 24, पैडर रोड, बम्बई।	मुख्य निर्माता, फिल्म प्रभाग, 24, पैडर रोड, बम्बई।		वृत्तचित्र के रूप में सामान्य प्रदर्शनार्थ अनुमोदित।
14. पुर्नजन्म	289.54	श्री धीरेन्द्र पाण्डेय न्यूजर्न संवादक, महाविदेशक, जनसंघ विभाग, उत्तर प्रदेश सरकार, लखनऊ।			उत्तर प्रदेश मंडल में वृत्तचित्र के रूप में प्रदर्शनार्थ अनुमोदित।
15. विकासचा मोर्चा	469.09	सूचना एवं जनसंघर्ष महाविदेशक, महाराष्ट्र शासन, बम्बई।			महाराष्ट्र मंडल में वृत्तचित्र के रूप में प्रदर्शनार्थ अनुमोदित।
16. अक्षरत्रयी (गं) जं महाराज	600.00	सूचना निदेशक, गुजरात सरकार सचिवालय, गांधी नगर, गुजरात।			गुजरात मंडल में वृत्तचित्र के रूप में प्रदर्शनार्थ अनुमोदित।
17. अक्षर ट्यूटी-3 (हमारा फर्ज)	40.00	मुख्य निर्माता, फिल्म प्रभाग, 24, पैडर रोड, बम्बई।	मुख्य निर्माता, फिल्म प्रभाग, बम्बई।		वृत्तचित्र के रूप में प्रदर्शनार्थ अनुमोदित।
18. अक्षर ट्यूटी-4	45.00	--तथैव--	--तथैव--		--तथैव--
19. अक्षर ट्यूटी-5	41.00	--तथैव--	--तथैव--		--तथैव--
20. तो, मिलाया हाथ ?	174.00	--तथैव--	--तथैव--		--तथैव--
21. न्यूज मैगजिन सं० 233-क, (प्रधानमंत्री का राष्ट्र के नाम संदेश)।	158.00	--तथैव--			समाचार एवं समसामयिक घटनाओं के रूप में सामान्य प्रदर्शनार्थ अनुमोदित।
22. न्यूज मैगजिन सं० 233-ख, (प्रधानमंत्री का राष्ट्र के नाम संदेश)।	237.00	--तथैव--			--तथैव--



1	2	3	4	5	6
23.	चुनौती	359.82	चुनौती एवं जनसंघर्ष, महाराष्ट्र शासन, 68, तारदेव रोड, बम्बई।	सुषमा एवं जनसंघर्ष, महाराष्ट्र शासन, बम्बई।	महाराष्ट्र मंडल में वृत्तचित्र के रूप में प्रदर्शनाधीन प्रामोदित।
24.	निर्जय	347.85	---सर्वैव---	---सर्वैव---	---सर्वैव---
25.	कई हथुका भाक डई/सा इन फंछम भूदमेंट	547.00	श्री.वीर प्रसाद धोष, अज्जरी रोड, काठफ, डई/सा।		वृत्तचित्र के रूप में सामान्य प्रदर्शनाधीन प्रामोदित।
26.	श्वेत डई-1 (दूमा प्रदर्श-1)	45.00	प्र.तुष्ट निर्माता, फिल्म प्रभाग, बम्बई।		---सर्वैव---
27.	शूज मैगजिन सं० 139 (फैडफाइल फंटे डई/सा)	289.00	---सर्वैव---		समाचार एवं समसामयिक घटनाओं के रूप में सामान्य प्रदर्शनाधीन प्रामोदित।

[संख्या 315/1/93-एफ(पर)]

विजय कुमार, हेड ऑफ अधिकारी-

## ORDER

New Delhi, 14th July, 1993

S.O. 1644.---In pursuance of the instructions issued under the provisions of each of the enactments specified in the first Schedule to the Order of the Government of India in the Ministry of Information and Broadcasting No. S.O. 3792 dated 2nd December, 1966 the Central Government after considering recommendations of the Film Advisory Board, Bombay hereby approves the films specified in column 2 of the Schedule annexed hereto in all its/their language versions to be of the description specified against it/each in column 6 of the said Schedule pertaining to the period 1-8-92 to 15-12-92.

## SCHEDULE

S. No.	Title of the film	Length of the film	Name of the Applicant	Name of the Producer	Brief synopsis whether a scientific film or for educational purpose or a film dealing with news & current events of documentary films
1	2	3	4	5	6
1.	Deivakkolam	298.00 metres	Shri P.T. Ramakrishnan Kerala	Iris Movie makers.	Approved for general release and classified as 'Documentary'
2.	Dear Letter Writer	306.00 metres	Shri Pradeep Dixit, Bombay	---	-do-
3.	Mahiti Chitra No. 513	216.41 metres	Govt. of Gujarat, Gandhinagar.	---	Approved for release in Gujarat circuit and classified as 'News & Current Event'
4.	Sahakarita Ki Dafal Gatha KRIBCHO	579.40	Shri Pradeep Dixit, Bombay	---	Approved for general release and classified as Documentary.
5.	Jichya Hati Palnyachi Dori	319.43	Dir. Gen. of Inform. and Public Relations Govt. of Maharashtra, Film Centre 68, Tardeo Road, Bombay.	---	Approved for release in Maharashtra circuit and classified as 'Documentary'.
6.	Swar Ke Sahara	602.28	Dr. Indu Bishnoi 402, Sea Shell Green Fields, A.B. Nair Road, Juhu, Bombay	---	Approved for general release and classified as 'Documentary'.

1	2	3	4	5	6
7. Suro Bahu Rani	425.00	Chief Producer Films Divn., 24 Peddar Road, Bombay	—	—	Approved for general release and classified as 'Documentary'.
8. News Magazine No. 228	432.00	-do-	—	—	-do-
9. News Magazine No. 227	449.00	-do-	—	—	Approved for general release and classified as 'News & Current Events'
10. V.K. Krishna Monon	557.00	Shri Ramu Arvindan, 16/540, Jagathy Trivendrum	—	—	Approved for general release and classified as 'Documentary'.
11. Mahitichitra No. 514	179.83	Joint Dir. of Information Govt. of Gujarat Dhanraj Mahal Chhatrapati Shivaji Maharaj Marg, Bombay	Dir. of Information, Govt. of Gujarat Sachivalaya Gandhinagar.	—	Approved for release in Gujarat circuit and classified as 'News & Events.'
12. Mahitichitra No. 515	216.41	-do-	-do-	-do-	-do-
13. News Magazine No. 232 (Streamlining Public Sector)	551.00	The Chief Producer Films Divn. Peddar Rd., Bombay	The Chief Producer, Films Divn. Peddar Rd., Bombay	—	Approved for general release and classified as 'Documentary'.
14. Punarjivan	289.54	Shri Dhirendra Pande Newsteel Editor, Director Gen of Public Relations Deptt. Govt. of U.P. Lucknow	—	—	Approved for release in Uttar Pradesh Circuit and classified as 'Documentary'
15. Vikasacha Sobati	469.09	Dir. Gen. of Information and Public Relations, Govt. of Maharashtra, Bombay.	—	—	Approved for release in Maharashtra circuit and classified as Document- ary.
16. Brahma Swarup Yogiji Maharaj	600.00	Dir. of Information Govt. of Gujarat Sachivalaya Gandhinagar	—	—	Approved for release in Gujarat cir- cuit and classified as Documentary
17. Our Duty III	40.00	The Chief Producer Films Division, Peddar Road, Bombay.	Chief Producer Films Division Bombay.	—	Approved for release and classified as Documentary
18. Our Duty IV	45.00	-do-	-do-	-do-	-do-
19. Our Duty V	41.00	-do-	-do-	-do-	-do-
20. To Milao Hath	174.00	-do-	-do-	-do-	-do-
21. News Magazine No. 233-A (Prime Minister's message to the Nation)	158.00 metres	The Chief Producer, Films Division, Peddar Road, Bombay	—	—	Approved for general release and classified as 'News and Current Events.'
22. News Magazine No. 233-B (Prime Minister's message to the Nation)	227.00	-do-	—	—	-do-

1	2	3	4	5	6
23. Chunavti	350.82	Dir. Gen. of Information & Public Relations Govt. of Maharashtra 68 Tardeo Road, Bombay	Dir. Gen. of Information & Public Relations Govt. of Maharashtra, Bombay	Approved for release in Maharashtra circuit and classified as Documentary.	
24. Nirnay	307.85	-do-	-do-	-do-	
25. Contribution of Orissa in Freedom Movement	597.00	Shri Gour Prashad Ghose, Chandi Road, Cuttack	—	Approved for general release and classified as Documentary.	
26. Our Duty I (Hamara Farz I)	45.00	The Chief Producer, Films Divn., Bombay	—	-do-	
27. News Magazine No. 230 (Friendship Frante India)	289.00	-do-	—	Approved for general release and classified as News and Current Events.	

[No. 315/1/93-F (P)]

VIJAY KUMAR, Desk Officer

नई दिल्ली, 14 जुलाई, 1993

का.आ. 1645:—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के उप नियम 10(4) के अंतर्गत सूचना और प्रसारण मंत्रालय के निम्नलिखित कार्यालयों को जिनके 80% से अधिक कर्मचारी वृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:—

1. सिविल निर्माण एकम्ब, आकाशवाणी, ओधपुर
2. आकाशवाणी, अनन्तपुर
3. आकाशवाणी, कण्णूर
4. आकाशवाणी, अकोला
5. आकाशवाणी, शिवपुरी
6. आकाशवाणी, शहडोल
7. आकाशवाणी, बांसवाड़ा
8. आकाशवाणी, गुरुक्षेत्र
9. आकाशवाणी, तिरुवनन्तपुरम

[संख्या ई-11011/1/93-हिन्दी]

प्रेम कृष्ण गोरावारा, निवेशक (राजभाषा)

New Delhi, the 14th July, 1993

S.O. 1645.—In pursuance of Sub-rule (4) of rule 10 of the official languages (use for official purposes of the Union) Rules, 1976 the Central Government hereby notify the following offices of the Ministry of Information and

Broadcasting where more than 80 per cent of the staff have acquired working knowledge of Hindi:—

1. Civil Construction Wing, Akashvani, Jodhpur
2. Akashvani, Anantpur
3. Akashvani, Kannoor
4. Akashvani, Akola
5. Akashvani, Shivpuri
6. Akashvani, Shahdol
7. Akashvani, Banswada
8. Akashvani, Kurshetra
9. Akashvani, Thiruvananthapuram.

[No. E-11011/1/93-Hindi]

P. K. GORAWARA, Director (O.L.)

श्रम मंत्रालय

नई दिल्ली, 8 जुलाई, 1993

का.आ. 1646:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत में केन्द्रीय सरकार सलाह हाइड्रोइलेक्ट्रिक प्रोजेक्टों के प्रवन्धन के संबद्ध नियोजकों और उनका कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-7-93 का प्राप्त हुआ था।

[एल-42012/193/86-डी-2 (बी) (प.5)]

के.बी. बी. उप्पा, उत्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 8th July, 1993

S.O. 1646.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to

the management of Salal Hydro Electric Project and their workmen, which was received by the Central Government on 7-7-93.

[No. L-42012/193/86-D.II(B)(P)]

K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, CHANDIGARH

Case No. I. D. 33/88

Prem Nath Vs. Salal Hydro Electric Project.

For the workman : Shri V. P. Aiary.

For the management : Shri V. K. Gupta.

#### AWARD

Central Govt. vide Gazette Notification No. L-42012/193/86-D.II (B) dated 22nd July, 1988 issued U/S 10(1)(d) of the I. D. Act 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the General Manager of Salal Hydro Electric Project in denying the pay scale of Rs. 260-350 w.e.f. 1-1-1982 to Shri Prem Nath is justified ? If not what relief the workman is entitled and from what date ?"

2. In the statement of claim it has been alleged that he was appointed as work Asstt. in the pay scale of 210-290 on 7-7-1978. He was promoted in the next higher grade of Rs. 260-350 as work Asstt. grade I on 1-10-1983. It is alleged that one Om Parkash working in the project as work Asstt. in the scale of Rs. 210-290 on 26-7-1978 and the designation of the said Om Parkash was changed as work Asstt. in the same scale on 1-1-1981 and thus junior to the petitioner. It is further alleged that Om Parkash was promoted after completion of two years of service in violation of promotion rules in the grade of 260-350 w.e.f. 1-1-1983. It is further alleged that Ramesh Chand was also similarly situated working as work Asstt. in the scale of 210-290 on 28-2-79 was promoted in the next higher scale of 260-350 on 1-1-1983. It is further alleged that all the said persons were working in the same division including Prem Nath and were junior to the petitioner. It is thus prayed that the petitioner be allowed promotion w.e.f. 1-1-1982 after completion of three years service with full back wages.

3. Claim was contested. Written statement was filed. The preliminary objection was taken that the present reference arises out of the demand notice dated January 1985 and the relief claimed with retrospective effect is not permissible. On merits the plea has been taken that the petitioner has compared his case with one Om Parkash but however promotion to Om Parkash was withdrawn for which he preferred a writ petition in the High Court which is pending. Additional plea has been taken that promotion to higher grade was limited to 5% of the total strength of the division subject to any vacancy. The petitioner did not raise any grievance at the relevant time and the present reference has been raised in the year 1988 which is very much belated. It is further pleaded that the petitioner is not entitled to any relief prior to the date of demand notice. It is pleaded that Ramesh Chander was not similarly situated employee as compared to the petitioner. It is further pleaded that the petitioner and other quoted worker were posted in the different divisions of the project and prayed for the dismissal of the reference.

4. Replication was also filed reasserting the same facts as stated in the claim statement.

5. In support of his case the petitioner examined himself as WW1 and filed his affidavit Ex. W1 in evidence. The management produced Mr. Vinayak Chohan MW-1 who filed his affidavit Ex. M1 in evidence and also relied on documents Ex. M2 extract of the promotion policy and Ex. M3 office order dated 17-3-1993 and the workman got proved the document Ex. M4.

6. Both parties have filed written arguments. Oral arguments also heard. I have gone through the record and evidence.

7. Learned representative appearing on behalf of the workman has compared the case of the petitioner with one Om

Parkash and it has been pointed out that the petitioner had been working as Asstt. grade II on 7-7-78 and promoted to work Asstt. grade I on 1-10-1983 after the completion of five years of service. However, one Om Parkash whose designation was changed as work Asstt. w.e.f. 1-1-1981 was promoted to work Asstt. Grade I w.e.f. 1-1-1983 after two years in violation of principle of natural justice and made senior to the petitioner. Although the petitioner was senior to said Om Parkash. There is no force in this contention. There is no dispute to the fact that designation of said Om Parkash was changed as work Asstt. w.e.f. 1-1-1981 whereas the petitioner had already been working as work Asstt. since 7-7-1978 and Prem Nath being senior was promoted w.e.f. 1-10-1983 and Om Parkash was promoted w.e.f. 1-1-1983 but the position was changed as promotion order of said Om Parkash withdrawn as apparent from Ex. M4 dated 11-12-1987 and it was decided to promote the said Om Parkash w.e.f. 1-1-86. Om Parkash had challenged the said order in the High Court in which the stay was granted. This fact has also been admitted by the petitioner in his cross-examination. Ex. M3 is the subsequent office order dated 17-3-1992 in which respdt. management had decided to promote the said Om Parkash w.e.f. 1-1-1984 subject to the condition that Om Parkash will withdraw the Court case from the High Court. The said case was also withdrawn on 6-3-1992 by Om Parkash as reflected in this office order and direction with regard to the stay of the recovery of excess amount was also vacated as the same has been reflected in this office order. Thus the position boils down to the situation that the promotion of the said Om Parkash also stands w.e.f. 1-1-1984 instead of 1-1-1983 and the petitioner stands promoted w.e.f. 1-10-1983 i.e. earlier to Om Parkash no doubt after the completion of five years of service although in the case of Om Parkash it was three year. Ex. M2 is the extract of the general instructions of the promotion of the work charged employees. These lays down that total number of work charged employees to whom promotions are given under these rules in a year shall not normally exceed 5 per cent of the total strength of work charged staff in a particular division except in the first year of application of these rules when the percentage may be up to 8%. Therefore, if the promotion to higher grade was limited to 5% of the total strength of the division subject to availability of vacancies. Thus fact remains that upon the availability of the vacancy the petitioner stood promoted on 1-10-1983 whereas the said Om Parkash promoted w.e.f. 1-1-1984. The petitioner Prem Nath having put in more years certainly be senior to said Om Parkash. Thus grievance of the petitioner over the promotion of Om Parkash in view of the discussion made in the earlier paras is meritless.

The petitioner has not contested the promotion with regard to Ramesh Chand. According to the management's witness some persons were employed in different divisions and as per promotion policy at that time they might have been promoted earlier according to the vacancies in those circles and the petitioner being in different division can not compare himself with those persons. This stand has not been refuted in the cross-examination of the management's witness.

In view of the discussion made in the earlier paras., the petitioner is not entitled to any relief whatsoever. The reference is dismissed and returned to the Ministry.

Chandigarh.

29-4-1993.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 8 जुलाई, 1993

का. प्र. 1647 : — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सलाल हाइड्रो इलेक्ट्रिक प्रोजेक्ट के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचसट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-7-93 को प्राप्त हुआ था।

[सं. एल-42012/187/86-डो-2 (बी) (पाठ)]  
के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 8th July, 1993

S.O. 1647.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Salal Hydro Electric Project and their workmen, which was received by the Central Government on 7-7-93.

[No. L-42012/187/86-D.II(B)(Pt.)]

K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,  
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT, CHANDIGARH

Case No. I. D. 32/88

Sunder Lal Vs. Salal Hydro Electric Project.

For the workman : Shri V. P. Aiary.

For the management : Shri R. L. Gupta with V. K. Gupta.

#### AWARD

Central Govt. vide gazette notification No. L-42012/187/86-D.II(B) dated 22nd July 1988 issued U/S 10(1)(d) of the I. D. Act 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of General Manager, Salal Hydro Electric Project in denying the pay scale of Rs. 260-350 w.e.f. 1-1-1982 to Shri Sunder Lal work Asstt. is justified ? If not to what relief the workman is entitled to and from what date ?"

2. In the claim statement it has been alleged that the petitioner was appointed as work Asstt. grade II w.e.f. 14-12-1978 in the scale of Rs. 210-290. He was further promoted in the next higher scale of Rs. 260-350 w.e.f. 1-1-1984 after the completion of five years of service although he should have been promoted after three years of service. However one Om Parkash another worker working as Asstt. fitter in the scale of Rs. 210-350 on 26-7-1978, his designation was changed as work Asstt. in the same scale on 1-1-1981 and is junior to the workman. It is further alleged that said Om Parkash was promoted after completion of two years of service w.e.f. 1-1-1983 in the scale of Rs. 260-350. It is further alleged that Ramesh Chand, Dhani Ram and Sansar Singh were also similar situated employees were also promoted w.e.f. 1-1-1983 and 1-10-1983 each respectively. It is also alleged that all the said workers were junior to the petitioner but got the promotion prior to the petitioner. It is thus prayed that he be also promoted after completion of three years of service with full monetary benefits instead of five years service.

3. Claim was contested. Written statement was filed. The preliminary objection has been taken that present reference arises out of the demand notice dated 13-12-1984 and the relief claimed with retrospective effect is not permissible. On merits the plea has been taken that the petitioner has compared his case with Om Parkash but however promotion to Om Parkash was withdrawn for which he preferred a writ petition in the High Court which is pending. Additional plea has been taken that promotion to higher grade was limited to 5% of the total strength of the division subject to any vacancy. The petitioner did not raise any grievance at the relevant time and the present reference has been raised in the year 1988 which is very much belated. It is further pleaded that the petitioner is not entitled to any relief prior to the date of demand notice and prayed for the dismissal of the reference.

4. Replication was also filed reasserting the same facts as contained in the claim statement.

5. In support of his case the petitioner examined himself as WW1 and filed his affidavit Ex. W1 in evidence and also relied of documents Ex. W-2 to W-5. The management also pro-

duced MW1 Mr. B. S. Paras who filed his affidavit Ex. M1 in evidence.

6. Both parties have filed written arguments. Oral arguments also heard. I have gone through the record and evidence.

7. Learned representative appearing on behalf of the workman has compared the case of the petitioner with one Om Parkash and it has been pointed out that the petitioner had been working as Asstt. Grade II on 14-12-1978 and promoted to work Asstt. Grade I w.e.f. 1-1-1984 after the completion of five years of service. However one Om Parkash whose designation was changed as work Asstt. w.e.f. 1-1-1981 was promoted work Asstt. Grade I w.e.f. 1-1-1983 after two years in violation of principle of natural justice and made senior to the petitioner. Although the petitioner was senior to said Om Parkash. There is no force in this contention. There is no dispute to the fact that designation of said Om Parkash was changed as work Asstt. w.e.f. 1-1-1981 whereas the petitioner had already been working as Work Asstt. Grade II since 14-12-1978 and Sunder Lal being senior was promoted w.e.f. 1-1-1984 and Om Parkash was promoted w.e.f. 1-1-1983 but the position was changed as promotion order of said Om Parkash was withdrawn as apparent from Ex. W2 dated 11-12-1987 and it was decided to promote the said Om Parkash w.e.f. 1-1-1986. Said Om Parkash had challenged the said order in the High Court in which stay was granted. This fact has also admitted by the petitioner in his cross-examination. Ex. W6 is the subsequent office order 17-3-1992 in which respdt. management had decided to promote the said Om Parkash w.e.f. 1-1-1984 subject to the condition that Om Parkash will withdraw the Court case from the High Court. The said case was also withdrawn on 6-3-1992 by Om Parkash as reflected in this office order and direction with regard to the stay of the recovery of excess amount was also vacated as the same has been reflected in this office order. Thus the position boils down to the situation that the promotion of said Om Parkash also stands w.e.f. 1-1-1984 instead of 1-1-1983 same as in the case of petitioner as the petitioner was also promoted w.e.f. 1-1-1984, no doubt after the completion of five years of service although in the case of Om Parkash it was three years. But it has not been disputed by the petitioner in additional plea in the replication that the promotion to higher grade was limited to 5 per cent of the total strength. Same is the stand of the management's witness in his evidence which have not been refuted. Therefore, if the promotion to higher grade was limited to 5 per cent of the total strength of the division subject to availability of vacancies then the minimum criteria for the promotion which is three years of service can certainly not be the outer limit but the minimum qualifying period. Thus fact remains that upon the availability of the vacancy the petitioner as well as said Om Parkash stands promoted w.e.f. 1-1-1984. The petitioner Sunder Lal having put in more years certainly be senior to Om Parkash. The same thing has been admitted by the management also in their written arguments. Thus the grievance of the petitioner over the promotion of Om Parkash in view of the discussion made in the earlier paras is meritless.

8. The petitioner has not contested the promotion with regard to Ramesh Chand, Dhani Ram, and Sansar Singh as claimed in the statement of claim. According to the evidence of the management witness the same persons were employed in different divisions and as per promotion policy at that time they might have been promoted earlier according to the vacancies in those circles and the petitioner was in different divisions and could not compare himself with those persons. This stand has not been refuted in the cross-examination of the management's witness.

In view of the discussion made in the earlier paras. the petitioner is not entitled to any relief what-so-ever. The reference is dismissed and returned to the Ministry.

Chandigarh.  
29-7-92.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 8 जुलाई, 1993

क्र.प्र. 1643.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचना में, केन्द्रीय सरकार एम्प्लिशन डिपॉ, भटिंडा के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचमट को प्रकाशित करती है, जो केन्द्रीय सरकार की 7-7-93 को प्राप्त हुआ था।

[सं. एल-14012/2/88-डी-2(बी) (पार्ट)]

के.वी.बी. उन्नी, डैस्क अधिकारी

New Delhi, the 8th July, 1993

S.O. 1648.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Ammunition Depot, Bhatinda and their workmen, which was received by the Central Government on 7-7-1993.

[No. L-14012/2/88-D.II (B) (Pt.)]

K. V. B UNNY, Desk Officer

#### ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, CHANDIGARH

Case No. 66/90

Narinder Kaur Vs. Ammunition Depot

For the workman—Shri Anil Sharma

For the management—Shri Arun Walia.

#### AWARD

Central Government vide Gazette Notification No. I-14612/2-88-D.II (B) (Pt.) dated 8th May, 1990 issued U/S 10(1)(d) of the I. D. Act 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Ammunition Depot, Bhatinda in terminating the services of Smt. Narinder Kaur w.e.f. 19-3-1980 vide their letter No. 27361/S.K./Adm. (Civ) is justified? If not, what relief the workman concerned is entitled to?"

2. It has been alleged in the statement of claim that she was appointed as Store Keeper on 29-5-1978 and joined on 18-7-1980 in Ammunition Depot, Bhatinda. She worked up to 19-3-1980. It is further pleaded that she was served notice dated 15-9-1979 as her services were to be terminated on the expiry of the said period for which she replied and was allowed to continue and thus has completed 240 days. It is further pleaded that her services were terminated on 19-3-1980 without serving any notice, memo, warning and no retrenchment compensation was paid and thus principle of natural justice was violated. She also relies on the Piara Singh's case and sought regularisation and it was thus prayed that she be reinstated in service with full back wages and consequential benefits with 12% interest.

3. The management in their written statement has taken the preliminary objection that this Court has no jurisdiction to hear the case as the petitioner is not the workman nor the department is an industry as envisaged under the I. D. Act, 1947. Ammunition department is a department of Government of India, Ministry of Defence which stores ammunition for our defence forces. Therefore, this ammunition depot can not be treated as industry. On merits the plea has been taken that she did not work up to the entire satisfaction of the respdt. management rather her performance during the probationary period was found unsatisfactory and was found unsuitable for further retention in service. She was given notice

in pursuance of sub-rule (i) of Rule 5 of CCS (Temporary service) Rules, 1965 on 13-8-1979. The petitioner submitted appeal on 17-9-1979 and further appeal on 22-9-1979. On her appeal D.O.S. Army Hq., New Delhi directed this depot that the services of the petitioner may not be terminated till further orders. Thereafter on examining her appeal D.O.S. Army Hq., recommended termination of the petitioner and thus notice of termination was issued on 8-3-1980 which was served on the petitioner on 19-3-1980 and her services were terminated henceforth. It is pleaded that services of the petitioner were terminated in accordance with the rules during the probation period as per terms and conditions of her appointment.

4. The petitioner in support of his case examined herself as WW-1. She filed her affidavit Ex. W-1. The management produced Mihi Lal Ordnance Officer as WW-1. He filed his affidavit Ex. M-1 and also relied on the documents Ex. M-2 to Ex. M-6.

5. I have heard both the parties, gone through the evidence and record.

6. The preliminary question whether ammunition depot falls within the definition of 'industry' under the I. D. Act 1947. The learned counsel appearing on behalf of the workman has argued that the petitioner was working as casual worker with the respdt. management and therefore, is a separable and ancillary activities which would nevertheless to within the ambit of the industry. On the contrary learned counsel for the management has argued that the respdt. management is an integral part of the Armed forces and thus does not fall within the definition of 'industry'. Contention raised by the counsel for the petitioner is meritless. The petitioner has failed to prove that ammunition depot is an 'industry'. Activities of the ammunition depot as available in the evidence is for the purpose of storing the ammunition for the Armed forces of the Union and is not doing any business, trade undertaking manufacture anything. Thus can not fall within the definition of 'industry'. No doubt that the petitioner is not otherwise subject to military law but he is an associate in accompany the armed personnel on active service. Although he is non-combatants and in some matters governed by the Civil service regulations, yet they are integral to the Armed Forces. The present case squarely falls within the ratio of 1976 (32) F.L.R. page 22 (S.C.) Ors. Kutlingal Achudan Nair and others and Union of India and others where in the matter was at rest at length and the following observations were made :

"Article 33 of the Constitution provides an exception to the preceding Articles in Part III including Art. 19 (1)(c). By Article 33, Parliament is empowered to enact law determining to what extent any of the rights conferred by Part III shall, in their application to the members of the Armed Forces of Forces charged with the maintenance of public order, be restricted or abrogated so as to ensure the proper discharge of their duties and the maintenance of discipline among them."

In enacting the Army Act, 1950, in so far as it restricts or abrogates any of the fundamental rights of the members of the Armed Forces, Parliament derives its competence from Article 33 of the Constitution. Section 2(1) of the Act enumerates the persons who are subject to the operation of this Act. According to sub-clause (i) of this section, persons governed by the Act, include "persons not otherwise subject to military law who, on active service, in camp, on the march or at any frontier post specified by the Central Government by notification in this behalf, are employed by, or are in the service of or are followers of, or accompany any portion of the regular army."

The members of the Unions represented by the appellants obviously fall within this category. It is their duty to follow or accompany the Armed personnel on active service, or in camp or on the March. Although they are non-combatants and are in some matters governed by the Civil Service Regulations, yet they are integral to the Armed Forces. They answer the description of the "members of the Armed Forces" within the contemplation of Art. 33. Consequently by virtue of Section 21 of the

Army Act, the Central Government was competent by notification to make rules restricting or curtailing their fundamental rights under Article 19(i)(c)".

The said view was also enforced in 1987 (54) F.L.R. page 78 (S.C.) Gopal Upadhyaya and others and Union of India. The same view was also taken in the judgement reported in 1993 (i) S.C.T. page 117 Dalip Chand Vs. Director General Border Road Organisation. The said case was related to the casual workers deployed with G.R.E.F. (Border Road Organisation) a unit of Armed Forces and it was held that :

"No exception can indeed be taken to the learned single judge holding G.R.E.F. to be integral part of the Armed Forces and not thereby falling within the definition of 'Industry' under the Industrial Disputes Act. We also with respect endorse the view."

In view of the discussion made in the earlier paras and the settled case law the respdt. management is certainly does not fall within the definition of 'industry' under the I. D. Act 1947.

7 Even on merits, the petitioner was appointed in pursuance of her appointment letter Ex. M-5 dated 29-5-1978. Condition laid down in para 2 of the appointment letter that her appointment will be on probation for a period of two years and during the probationary period if she will found unsuitable her services will be terminated without notice. As apparent from the affidavit of management's witness Mr. Mihi Lal performance of the petitioner during the probationary period was not satisfactory and was found unsuitable for further retention in service. This stand has also not been controverted in the cross-examination of this witness. Her services were terminated on 22-2-1980 vide try him during probation period to assess his suitability for stigma. It is settled law that probationer has no right to the post. The very purpose of placing the person on probation to try him during probation period to assess his suitability for the job in question. It is settled law that an order of discharge is not the order of punishment and there is no question of giving hearing before the termination of service. Termination order Ex. M-4 does not suffer from the vice of bias prejudice or malafide. It is neither penal, nor stigmatises the petitioner. The reason which, weighted with the respdt. management was her unsuitability for the job based on her unsatisfactory performance during the probation period. Hence the management was constrained to put an end to her service by an order of discharge simplicitor. The management had acted within the framework of the rules and law. The ratio of the judgement reported in 1993(1) S.C.T. page 236 U.T.I. Vs. T. Bhiya Kumar is followed. Contention of the learned counsel for the petitioner that even on earlier date on 13-8-1979 Ex. M-2 a termination order was passed which was stayed by the higher authorities Ex. M-3 and this amounts to confirmation in the service is again meritless. Her termination was stayed temporarily since her appeal was pending which was then disposed off on merits, terminating the services of the petitioner in accordance with terms and conditions of appointment letter i.e. CCS (Temporary service) Rules 1965.

In view of the discussion made in the earlier paras, action of the management in termination of her service is valid and no interference is called for. In a way reference is returned to the Ministry.

Chandigarh,

Dated : 31-5-1993.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 8 जुलाई, 1993

का. भा. 1649:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण - कम-लेबर-कोर्ट नं. 2, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-7-93 को प्राप्त हुआ था।

[संख्या एल-30012/19/90-आईआर (मिविध)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 8th July, 1993

S.O. 1649.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 2 Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bharat Petroleum Corporation Ltd., and their workmen, which was received by the Central Government on 7-7-1993.

[No. L-30012/19/90-IR (Misc.)]

B. M. DAVID, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT :

Shri P. D. Apshankar, Presiding Officer.

Reference No. CGIT-2/34 of 1990

PARTIES :

Employers in relation to the management of Bharat Petroleum Corporation Limited (in relation to their Wadilube Installation) Bombay.

AND

Their Workmen.

APPEARANCES :

For the Employers—Shri P. K. Rele, Advocate.

For the Workman—No appearance.

INDUSTRY : Petroleum STATE : Maharashtra  
Bombay, the 16th June, 1993

#### AWARD

The Central Government by their Order No. L-30012/19/90-IR (Misc.) dated 29-10-1989 have referred the following dispute to this Tribunal for adjudication under Section 10(1) (d) of the Industrial Disputes Act, 1947 :

"Whether the action of the management of B.P.C.L., Bombay, in not regularising and terminating the services of Mr. Ramraj Rathooram Pal, Casual Labour w.e.f. June, 1984 is legal and justified? If not, to what relief the workman is entitled?"

2. The case of the said workman as disclosed from Statement of claim (Ex. 2) filed by him in person in short, is thus :—

He was employed as a casual labourer by the management of the BPCL in the year 1982, and he worked as a casual labourer till August 1984. Thereafter he went to his native place, as his father was sick, and he had accordingly informed the management about it. His father expired in November 1984 in Bombay. Thereafter the workman again went to his native place for funeral of his father. After he returned back to Bombay in December 1984, he inquired with the management about his job, and he was told by the management that at that time there was no vacancy and he would be informed as soon as there would be vacancy in the post. However, the workman was not given any service till 1989, or even thereafter. In the year 1989, the management absorbed some casual labourers, but the workman was not given the job. Some other workmen who had joined the service alongwith the workman initially, later on they were made

permanent in the service. However, the workman was not provided with any work. Initially, the workman was appointed through the Employment Exchange. His father was a permanent employee of the BPCL, and he retired on his superannuation after having completed 25 years of his service. Therefore, the management should have engaged the workman in service at least on compassionate ground at least as a casual labourer. However, the management failed to do. Therefore, the workman lastly prayed that this Tribunal should direct the management to reinstate him in service with full back wages and continuity of service.

3. The management of the Bharat Petroleum Corporation Limited by their Written Statement (Ex. 3) opposed and contested the said claim of the workman, and in substance contended thus :—

The present reference is frivolous and not tenable in law and on facts. The management of the BPCL did not at any time discharge dismiss, or retrench the workman from service, and the management did not terminate his services in any way. Therefore, no industrial dispute as contemplated under section 2-A of the Industrial Disputes Act, exists in the present case, and as such this Tribunal has no jurisdiction to entertain and decide the present reference.

4. The management further contended thus :

The said workman was engaged purely on casual basis as the employee of the management in June 1982, and from June to December 1982 he had casually worked for 46 days only. From January to July 1983 he was also casually engaged and had worked only for 75 days. During the period of January to June 1984 he had casually worked only for 61 days. However, after June 1984, the workman himself did not report for the duty. The management had not terminated his service in any way. The workman's father was a permanent worker of the BPCL. He had retired in the year 1975. It is not true that the workman had informed the management about the sickness of his father, or that he was going to his native place to see his father, as alleged by the workman. As the management had not terminated the service of the said workman and as the workman himself stopped attending to his duty from July 1984, he is not entitled to any relief. Therefore, the management lastly prayed for the rejection of the prayer of the said workman.

5. The Issues framed at Ex. 4 are :

1. Whether the management did not in any way terminate the services of the workman in question ?
2. Whether no industrial dispute, as contemplated under Section 2-A of the Industrial Disputes Act, existed between the parties ?
3. Whether the action of the management of BPCL, Bombay in not regularising and terminating the services of Mr. Ramraj Rathooram Pal, Casual Labour w.e.f. June, 1984, is legal and justified ?
4. If not, to what relief the workman is entitled ?
5. What Award?
6. My findings on the said Issues are :
  1. Yes.
  2. Yes.
  3. As per Award below.
  4. Nil.
  5. As per below.

#### REASONS

ISSUES Nos. 1 to 4 :

7. After the Issues were framed on 12-2-1992, the said union and workman constantly remained absent on a number of dates thereafter, and he continuously remained absent from 18-9-1992 to 9-6-1993, i.e. till the last date. The workman had challenged the action of the management, and as such, the burden was upon him to prove that the management had terminated his service, and the action of the management was unjust and illegal. However, he continuously remained absent before this Tribunal, and did not lead any evidence in support of his case as above. As the workman remained absent continuously, the management was asked to file the affidavit of their witness in support of their case. Accordingly, the management filed the affidavit of R. P. D'Souza, Dy. Manager (Ops.) of Bharat Petroleum Corporation Limited in support of their case. As the workman remained absent, I see no reason to disbelieve any of the statements made by the said witness in his affidavit. I, therefore, accept the contentions of the management in their Written Statement, and of the said witness of the management in his affidavit (Ex. 6), and find that the workman himself had stopped attending to his duty from July 1984 and that the management had not terminated his service in any way and at any time, and as such the workman is not entitled to any relief.

Issues Nos. 1 to 4 are, therefore, found accordingly.

ISSUES No. 5 :

8. Therefore, the following Award is passed.

#### AWARD

The management of the Bharat Petroleum Corporation Limited did not terminate the services of the workman Shri Ramraj Rathooram Pal, the Casual Labourer at any time.

The said workman himself had stopped attending to his duty after July 1984.

The parties to bear their own costs of this reference.

Dated : 16th June, 1993.

P. D. APSHANKAR, Presiding Officer

नई दिल्ली, 14 जुलाई, 1993

का.आ. 1650 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बम्बई पोर्ट ट्रस्ट के प्रबन्धन के संरक्षित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई के पंचद को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-6-93 को प्राप्त हुआ था।

[संख्या एल-31012/16/90-आईआर (विविध)]

बी.एम. डेविड, ईएफ अधिकारी

New Delhi, the 14th July, 1993

S.O. 1650.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, BOMBAY as shown in the Annexure, in the industrial dispute between the employers in relation to the management of BOMBAY PORT TRUST and their workmen, which was received by the Central Government on 13-7-93.

[No. 31012/16/90-IR(Misc.)]

B. M. DAVID, Desk Officer



## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL NO. 2 BOMBAY

## PRESENT

Shri P. D. Apshankar, Presiding Officer.

Reference No. CGIT-2/14 of 1982

## PARTIES:

Employers in Relation to the Management of Bombay  
Port Trust.

## AND

THEIR WORKMEN

## APPEARANCES:

For the Employer: Shri C. D. Nargolkar, Advocate.

For the Workmen: No Appearance.

INDUSTRY: Port &amp; Docks STATE: Maharashtra

Bombay, the 6th July, 1993

## AWARD

The Central Government by their order No. L-31012/16/90-IR (Misc.) dated 6-3-1992 have referred the following industrial dispute to this Tribunal for adjudication under section 10(1) (d) of the Industrial Disputes Act, 1947.

"Whether the action of the management of Bombay Port Trust, Bombay, are justified in denying to change the date of birth from 01-07-1931 to 6-11-1934 as per the Birth Registry and whether justified in superannuating Shri Faki Mohd. Faki Ali, Crane Driver in Chief Mechanical Engineers office w.e.f. 1-7-1989? If not, to what relief is the workman entitled?"

2. After the said reference was received by this Tribunal on 18-3-1992, the notices of the references were issued to both the parties. Accordingly the representative of the union remained present on several dates i.e. on 27-4-1992, 3-9-92, 7-10-1992, 5-11-1992, 21-12-1992, 6-1-1993 and 22-2-1993.

3. However, Only on subsequent two dates, 12-4-1993 and 17-6-1993 the union remained absent, and did not file any statement of claim in support of their case. Thus, even though the representative remained present on several dates, and even though a number of opportunities were given to the union to file their statement of claim in support of their case, the union did not file any statement of claim even though a period of 1-1/4 years had elapsed since the date of the receipt of this reference. The union had challenged the action of the management in question. However, the union did not file any statement of claim in support of their case, and challenging the said action of the management. The union did not lead any evidence in support of their case. As such the present reference stands disposed off.

Dated: 6-7-1993

P. D. APSHANKAR, Presiding Officer

नई दिल्ली, 9 जुलाई, 1993

का.आ. 1651:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी सी सी एल. के प्रपञ्चर्तन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचयट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-7-93 को प्राप्त हुआ था।

[सं एल-19012/28/86-डी-4 (बी)/

19012/24/86-डी-IV (बी)]

राजा लाल, उच्च अधिकारी

1580 GI/93—6.

New Delhi, the 9th July, 1993

S.O. 1651.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of B.C.C. Ltd. and their workmen, which was received by the Central Government on 7-7-1993.

[No. L-19012/28/86-D.IV(B)/L-19012/24/86-D.IV(B)]

RAJA LAL, Desk Officer

## ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
AT CALCUTTA

Reference No. 61 of 1986

## AND

Reference No. 05 of 1987

## PARTIES:

Employers in relation to the management of General  
Manager, Church-Victoria Area No. XII of B.C.C.L.

## AND

Their Workmen.

## PRESENT:

Mr. Justice Manash Nath Roy, Presiding Officer.

## APPEARANCES:

On behalf of Management—Mr. S. Mahapatra, Advocate.

On behalf of Workmen—Mr. D. L. Sengupta, Senior  
Advocate with Mr. S. Mukherjee, Advocate.

STATE: West Bengal.

INDUSTRY: Coal.

## AWARD

By an Order of Reference dated August 8, 1986, bearing No. L-19012/28/86-D.IV(B) (hereinafter referred to as the said First Reference), the following dispute, in Reference No. 61 of 1986, was referred for adjudication to this Tribunal:

"Whether the action of the management of General Manager, Church-Victoria, Area No. XII of M/s. ECCL, P.O. Barakar, Distt. Burdwan—

(i) in not allowing S/Shri Jafar Mia, UG Trammer, Doneswar Tanti, Surface Trammer, Debi Tanti, Surface Trammer and Puran Kole, Loader to retire under the Voluntary Retirement Scheme and thereby depriving their dependant sons of getting employment; and

(ii) in terminating the services of Shri Puran Kole, Loader with effect from 15-4-1984;

is justified, and

If not, to what relief the workmen concerned are entitled?"

This dispute related to four employees of Church-Victoria Area No. XII of M/s. B.C.C.L., P.O. Barakar, Burdwan By another order of Reference dated December 24, 1986, bearing No. L-19012/24/86-D.IV(B) (hereinafter referred to as the Second Reference) in Reference No. 5 of 1987, the following dispute:

"Whether the action of the management of the General Manager, Church-Victoria Area No. XII of M/s. Bharat Coking Coal Limited, P.O. Barakar (Burdwan) in not allowing the workmen S/Shri Makardhan Kurmi, Loader Sirdar, Bhatu Prasad, Telephone Operator, Ashraf Ali Mia, Surface Trammer and Mangal Singh, Clerk to retire under the Voluntary Retirement Scheme and thereby depriving them of getting employment for their dependant sons is justified? If not, to what relief the workmen are entitled?"

was also referred for adjudication before this Tribunal. In the Second Reference, no separate evidence, other than indicated hereafter, was tendered. This dispute also related to

4 other employees of Church-Victoria Area No. XII of M/s. B.C.C.L., P.O. Barakar, Burdwan.

2. Since the terms of dispute, although in respect of two sets of employees, were the same and were directed against the same employer, the representatives appearing for the parties agreed that both the disputes be dealt with and disposed of by one Award. In fact, evidence, as indicated, was lead only in respect of the First Reference and not in other Reference, although while deposing in the First Reference, WW-1, to some extent, included the facts of the Second Reference.

3. In the First Reference, it was contended by Colliery Mazdoor Congress (H.M.S.), Victoria West Colliery (hereinafter referred to as the said Union), which also filed the statement in respect of the Second Reference, has claimed that the Church-Victoria Area No. XII of BCCL (hereinafter referred to as the said Company in both the cases), is a Nationalised Coal Mine and employees, a large number of workmen, whose terms of service and conditions of employment, were governed by N.C.W.A. I, II and III and the circulars issued from time to time. It was their case that they were Registered Trade Union and recognised by the employers in the Coal Mining Industry of Government of India. It was the case of the said Union that 4 employees as concerned in the First Reference, were their members and so also those in the Second Reference.

4. It was their case that the said Company, by a General Circular dated August 29/30, 1980, introduced a voluntary retirement scheme (hereinafter referred to as the said Scheme), which has been marked as Ext. W-1 and applications from the workmen, for necessary retirements and appointments, were also received by them. It has been stated that such offers of Voluntary Retirements, were also accepted in my cases in the usual course of business.

5. It has been stated that the 4 employees involved in the First Reference, applied for Voluntary Retirement along with others, before August 31, 1980. But, without assigning any due reasons and more particularly, excepting that the said Company had no fault in the matter and they never failed and neglected to accord necessary voluntary retirement benefits, nothing was stated definitely. Such action was claimed to be arbitrary and discriminatory and as such, the said Union claimed that there were denial of benefits of employments to the dependants of the concerned employees, in spite of satisfying all conditions as required under the said Ext. W-1.

6. It has been stated, by letter of June 26, 1981, Ext. W-2, the General Secretary of the said Union, informed the relevant facts to the authorities of the said Company and requested them to appreciate that the employees should not be made to suffer, for the lapses and fault on the part of the said Company. It was further stated that necessary screenings were done by the Management by Ext. W-3, after taking interviews from February 12, 1981. It has further been stated that the General Secretary of the said Union, by his letter of June 26, 1981, to the authorities of the said Company, recorded a serious protest in respect of the actions of the Management to stop the voluntary retirement scheme and thereafter, several discussions were held, which produced no result and it was of course ultimately agreed that all the cases would be sent by the Area to the Head Quarter, for examinations and decision. But it has been alleged that such decision was never implemented.

7. It has been stated that the said Union by letter of July 11, 1983 Ext. W-3 addressed to the General Manager of Church Victoria Area, referred to the minutes of the meeting as indicated in paragraph 7 of the Written Statement and also sent photostat copies of the applications of the concerned workmen. It has been alleged that the employees concerned, raised dispute over the recording of age in 'B' Form Register. It has been stated that age, were assessed by the Medical Board, in March 1981 and all candidates, after necessary examination, were found to be below 56 years of age, but no notice was taken of such assessment, and stating all those facts, on September 3, 1984, by Ext. W-4, the said Union, again informed the happening, to the authorities of the said Company. It has further been alleged that even in the Joint Conference, which was held on October 17, 1984, between the said Union and the said Com-

pany, in respect of the employees concerned and 5 others, under Voluntary Retirement Scheme, a decision was taken, advising the Personnel Manager, to send the case papers along with the original applications, as received in 1980. It has been indicated that at no point of time, the said Company took the plea in any of the discussions that they have not received the applications in time or there was any defect, for which the employment to the dependants under the concerned scheme, could not be given.

8. It has also been alleged, because of the unusual delay, excepting in the case of Jafar Mia and Dhaneswar Tanti, the other 2 employees having retired, on reaching the date of superannuation, the said Company took the advantage of such decision, denying them the right, which they possessed like others. It has been stated that Dhaneswar Tanti has retired on January 1, 1986 and Jafar Mia was in service, when the written statement was filed, on December 30, 1986. It has further been alleged that the Vice-president of the said Union, by Ext. W-4, informed the said Company about the facts that for their administrative lapses, the workmen concerned, have been denied the benefits of the said Scheme. It should be noted that the abovementioned employees duly took advantage of serving their full tenure.

9. It has also been indicated that by a letter of February 7/11, 1985, Ext. W-5, the Personnel Manager of the said Company admitted that because of the fault of the Administration, applications of the 4 concerned workmen, were misplaced and excepting Jafar Mia and Dhaneswar Tanti, all having been retired, nothing could be done in the case, though they were otherwise entitled to have the employment for their dependants, in terms of the said Scheme. The said Union has submitted that in the special facts and circumstances of the case, the 4 employees concerned in the First Reference, were entitled to the benefits by waiving their favour, the disqualifications earned by retirement, if any, as it would be against the very principles of natural justice, to put them to sufferings, loss and dangers, for no fault on their part.

10. It was further stated that Sri Puran Koley, Loader, is an Adivashi, belonging to the Scheduled Tribe and a permanent worker of the said Company. But, he was denied work and wages from April 16, 1984 to April 15, 1985, for reasons of his reaching the age of superannuation on April 15, 1985, which was later on found to be wrong and incorrect, from the records of the said Company and there was no fault on his part. The said Sri Koley has been reported to be illiterate and although he reported to have worked regularly during the period as mentioned above, he was not allowed work. It has been stated that this Sri Koley was sent for Medical tests, for assessment of age, in terms of the said Company's Rules and report of the Board, Ext. W-6 as issued by the said Company, would show that he was only to retire a year after. The said Union has further stated that the said Sri Koley never gave the date of his birth, as April 15, 1924.

11. It was the case of the said Union that the matter was placed before the conciliation machinery by a letter of July 19, 1985 and after that, joint discussions were held and ultimately, such discussions having produced no result, the dispute in the First Reference was referred for adjudication.

12. It was the prayer of the said Union that order be passed, holding that the action of the said Company, in not allowing the employees concerned, leave to retire under the said Scheme, have deprived their dependent sons, of getting employment and as such, those sons be allowed employment in the said Company, as was done in other cases and under similar circumstances and further, the termination of Sri Puran Koley, with effect from April 15, 1984 or the non payment of his wages for one year from that date, be declared to be illegal, unjustified and malafide.

13. The Written Statement on behalf of the said Company was filed on May 16, 1989, contending inter alia amongst others that the dispute as referred for adjudication was not at all an Industrial Dispute and as such, the said First Reference, was wholly incompetent and invalid.

14. It has been stated that the concerned scheme was introduced by BCCL, vide their Circular dated August 29/30 1980 and the same, amongst others contained as under :-

"The Scheme may be called 'Voluntary Retirement Scheme, 1980. This will apply to all permanent workmen in piece rated, daily rated and time rated categories but excluding essential staff and workmen, such as Overman, Mining Sardars, Winding Engine Drivers, Electricians, Fitters and such other category of workmen, where there is shortage. Primarily, the Voluntary Retirement Scheme should be viewed strictly as a scheme for rationalisation/improvement of manpower structures against actual requirement. The scheme, therefore, has to be operated keeping in view that by admitting the applications within the Scheme, the manpower rationalisation at the Colliery is effected."

15. It has been stated that the provisions of the said Scheme would appear from the communication dated September 23, 1980/October 1, 1980 and as such, it would be evident that under the said Scheme the Management of the said Company had every right to accept applications for Voluntary Retirement or to reject them, for the purpose of rationalisation/improvement of manpower structure. It has been stated that no workman can have any right under that Scheme, to claim voluntary retirement and such scheme does not confer any right upon them that the applications for voluntary retirement, will be accepted by the said Company. It was submitted that rejection of the applications for voluntary retirement of the workmen in question, would not constitute an Industrial Dispute and the provisions under the said scheme, cannot form a condition of service of the workmen of the said Company. So, any alleged violation of the provisions of the said Scheme, cannot give rise to any Industrial Dispute.

16. It has further been stated that one of the conditions mentioned in the said Scheme was that, the dependants will be below the age of 35 years and medically fit and since the conditions mentioned therein, were not fulfilled in the cases of the dependants of the employees concerned, their applications for voluntary retirement were not allowed by the said Company.

17. It should be noted that along with the Written Statement and although reference was made therein about some annexures, the said Union did not file them and on exceptions being taken, those annexures were filed subsequently. The said Company further stated that this Tribunal should be pleased to decide the point, if the dispute was an Industrial Dispute or not, as a preliminary issue. The action of the said Union, not to file the concerned annexures in time was not fair and proper and has caused serious hindrances for the said Company, in having the case conducted, as submitted by their learned representative.

18. To the above Written Statement, a rejoinder dated July 7, 1989 was filed by the said Union, wherein, more or less they have reiterated the stand as taken or as pointed out earlier. It must be noted here that no order was passed, for hearing the preliminary issue and on merits separately and on December 9, 1991, the recording of evidence was started and on completion of evidence, parties started arguments on and from November 18, 1992. In fact, Mr. Mahapatra, the learned Advocate appearing for the management also filed his Written Argument in his case. Mr. Sengupta completed his arguments on January 12, 1993 and apart from his oral submissions, he intended to file a Written Argument, which he did.

19. MW-1, who was the Deputy Personnel Manager of BCCL, Area No. III stated that he knew the said Scheme (Ext. W-1), as introduced by the said Company, in 1980. It was his evidence that the employees, who were below 56 years, were eligible for opting to such scheme. In fact, he has produced Ext. M-1 which was also marked as Ext. W-1 i.e. the Voluntary Retirement Scheme and has said that from there, the terms necessary, for availing of such scheme, would be evident. He has stated that if an applicant, on the date of application, was more than 56 years of age, he would not be eligible to the benefits under the scheme and the basis of that was to rationalise the manpower under the discretion of the Management and it was upto them, either

to accept or not to accept the applications submitted by the employees, under the said Scheme. He has further stated that probably from August 1980 to December 30, 1980, the said scheme has been withdrawn and he was not aware, if the employees concerned, have applied under that scheme. He agreed further that even in his official capacity, he had not had the occasion to deal with the service records of the employees concerned. He of course agreed ultimately, that the said Scheme has been withdrawn and Ext. M-1, will show that the same was operative from December 30, 1980 and after such withdrawal of the scheme, there was no improvement, as suggested, was done. Since he was not appearing in the conciliation proceedings, which was attended by his superiors, he said that he was not aware, if from conciliation file, it would appear that the employees concerned opted for the said Scheme or if there was any infirmities in the applications. He was categorical that acceptance of the said Scheme was dependent upon the Management and the Management could not and in fact, they have not acted arbitrarily or in a discriminatory manner. He has said that so far his knowledge goes, there was no discriminatory treatment or any arbitrariness in the action as taken, for keeping the matter pending over a number of years and the action of the said Company should not be deemed to be arbitrary. He further agreed that his evidence was, on the basis of the contents of the said Scheme.

20. The evidence of the workmen was not rendered through any of the employees concerned, but through WW-1 who initially stated his age to be about 70 years, but ultimately, it was corrected on application, to 62 years, in terms of the order dated July 23, 1992. He has said to be knowing all the employees personally and he has also stated about the pendency of another reference i.e. the Second Reference under consideration, on the points. In respect of other employees. He appeared to have been knowing the employees, to be the member of his Union. He had not seen the original 'B' Form, but saw the xerox of the same as supplied by the said Company and stated, there was neither any L.I.A. nor any signature in the 'B' Form, by Puran Koley or Dhaneswar Tanti, but there was thumb impressions of Dhaneswar Tanti and Jafar Mia, without any identification. He further stated that the 'B' Form Register as produced, would not show, who prepared the same and the same was not certified by any competent authority of the said Company. He stated categorically, while deposing in the First Reference, that in the Second Reference, the said Company has not produced any 'B' Form Register and he knew that the employees in both the References, were Medically examined, for assessment of their age. He pointed out that only in the case of Jafar Mia, the said Company has produced the Medical assessment report, but such report has not been produced in other cases. He said that he also knew the employees concerned in the Second Reference, as they were also the members of his Union and a dispute was raised on their behalf.

21. It was the further evidence of WW-1 that Ext. W-1 was framed by the said Company and Ext. W-2 was sent under the signature of Jayanta Poddar, to the said Company. He has further said that by Ext. W-3, which was disclosed in the First Reference, the Management was asked to settle the disputes in respect of the employees under reference. It was his evidence, by Ext. W-5, the Personnel Manager of the said Company, sent his comments to the Deputy Chief Personnel Manager (I.R.) and Ext. W-6 was the letter of superannuation, issued to Sri Puran Koley. He has said that such superannuation was done on the basis of Medical examination, yet, he felt that said Sri Koley was superannuated one year earlier than his date of retirement. His statement as disclosed, in connection with the Second Reference, was marked Ext. W-7 and he said that there were some disputes, regarding the date of superannuation of the employees concerned and by Ext. W-8, it was clarified by the General Manager, what procedure should be followed for the employees, attending superannuation age, on a broken period of year. This witness has also said about the dispute, which was sponsored in the Second Reference and what stand the said Company took and how the Reference was made.

22. It was his further evidence that in the Reference under consideration, altogether 7 employees were involved and it was the prayer of the said Union that those employees should be given employment, as was done in other cases. He has

rather said that in the Second Reference, two candidates were medically examined, who were sons of Ashraf Ali Mia and ukurdhan Kurmi and so far his knowledge goes, the candidates in the First Reference, have not been Medically examined, although they had applied in time. In fact, he was averted that those applications were made within December 1 of the concerned year and the said Company has not rejected them as yet or have intimated to them, about such refusal. He has said to have attended the conciliation meetings and further, according to him, Puran Koley was made to retire one year earlier, but he was not paid wages for that period and such payment was also demanded. I do not find any cogent evidence in support of the claim of the said Union that late Sri Koley was made to retire earlier.

23. It should be noted that although the examination in chief of WW-1 was concluded on February 19, 1992, and its cross-examination was adjourned on prayers, yet, on April 13, 1992, the learned representative of the Management stated that he will not cross-examine WW-1 and earlier Mr. Jengupta stated that apart from WW-1, he had no other witnesses to be examined.

24. In the Second Reference, practically the same statements in support of the case as in the First Reference were made by the said Union, of course with some differences in respect of dates and some facts. Similarly, defence of the said Company was also in the same line. Such being the position, to avoid repetition and prolixity, I have not indicated the facts separately. It should be noted that apart from WW-1, who deposed in the First Reference and who also spoke in justification of the Second Reference to some extent, no further evidence was tendered in the Second Reference.

25. He indicated, parties to the proceeding filed their notes or arguments and the said Union stated that although WW-1, duly proved the cases of the employees on production Exits. W-1 to W-11. But, since he has not been duly or in any manner cross-examined, so such evidence should be taken as admitted and not rebutted. It was pointed out by the said Union that the said Company, only through MW-1, produced the Scheme Ext. M-1, which the said Union, as mentioned, has also produced and referred to and relied on and their document has been marked as Ext. W-1. It was submitted further that even on the basis of evidence of MW-1, who in fact, could not have any direct knowledge, as he was not present in the conciliation proceedings, there is no other way out, but to hold that the case of the said Union, was justified and duly proved. This witness, it was pointed out, even had no idea, if the applications of the workmen concerned were rejected with reasons and more particularly, he had no idea, if the workmen concerned had really applied under the said Scheme. In fact, it was stated that such applications were made.

26. While on the First Reference, it was pointed out that at the relevant time, MW-1 was not in the Church Victoria Colliery, but he was at the Head Qtrs. and as such, he had only knowledge, about the concerned Scheme Ext. M-1 and not the Rules thereunder. So, it was submitted that the said witness could not be a material witness for any purpose whatsoever and as such, through him, the said Company could not prove the cases beyond any reasonable doubt. It was further pointed out that WW-1, who has stated to be knowing the employees concerned personally, has proved the applications made under the said Scheme, by the employees concerned and he also proved that there was neither any LTI nor signature in the 'B' Form, by Puran Koley and Dhaneswar Tanti, but there were thumb impressions of J. B. Tanti and Jafar Mia without any identification and there was no evidence, as to who prepared such 'B' Form and why the same was not certified by any authority of the said Company and so, the said 'B' Form Register, cannot be looked into or should not be considered.

27. On the basis of the evidence as adduced in both the cases, it was claimed that onus lay very heavily on the said Company, to prove the case, on production of relevant evidence and that not having been done, adverse presumption against the said Company, should be drawn under section 114(g) of the Evidence Act.

28. Similar submissions on the point were also advanced in the Second Reference. It should be noted that the case of Sri Mongal Singh in the Second Reference was not pressed at the time of hearing and as such, the said Second Reference

in respect of the said Mongal Singh, should be deemed to be rejected. In respect of the other 3 workmen concerned in the Second Reference, it was stated that their sons were medically examined, which fact again was admitted by the said Company and that would imply that they were otherwise qualified to be appointed under the Scheme, but nothing has been intimated to them. It was also pointed out that the said Company have not also denied the statements as made in the Second Reference.

29. Thus, it was claimed that in the circumstances of the cases and on available evidence, it would appear that the tilt is more in favour of the cases of the said Union, so the References should be answered in the affirmative.

30. The said Company submitted that the said Scheme Ext. M-1, was introduced by the Management of BCCI in 1980 and that would show that (1) the applicants in the V. R. S. should be below 56 years, (2) they must be more than 45 years and (3) they must have 5 years of service, which fact again has been proved through the evidence of MW-1, on December 9, 1991. In this case, it has been claimed that none of the employees involved, were below 56 years of age, when they applied under the Voluntary Retirement Scheme, Ext. M-1. It has been indicated that the reasons for not allowing the applications of the concerned workmen were also given and such reasons were that the employees concerned, had exceeded 56 years on the date of the applications under Ext. M-1. It was submitted that since the employees concerned could not fulfil the conditions relating to age restrictions, the applications made by them, under Ext. M-1, were duly refused. It has been stated that the said Ext. M-1 was introduced in August 1980 and was in force till December 31, 1980 and so, there was no doubt that the said Ext. M-1 was in force, for a very limited period.

31. It was stated that the said Ext. M-1 was introduced to rationalise the manpower in the said Company and the same never intended for any benefit to any workman. It has been stated that the fact the said Scheme was introduced to rationalise the manpower, will be found from the evidence of MW-1 and as such, the said Ext. M-1 could not be used by the employees, for obtaining any service benefits and the same was never included in the conditions of service of the workman and such being the position, the said Company intended to substantiate that disputes as referred for adjudication, were not or could not be Industrial Disputes and so, this Tribunal should have no power to answer the References in the affirmative. It was further submitted that no reliance should be placed on the evidence of WW-1, as his evidence was nothing but hearsay only.

32. The said Scheme Ext. W-1 was no doubt operative for a short span and for a limited period upto December 31, 1980 and has indicated amongst others that the same was for rationalisation/improvement of the manpower structure against the actual requirement of the said Company. So, the same was to be operated, keeping in view that by admitting the applications under the same, the manpower rationalisation at the Colliery was not adversely effected. The said Scheme or the application thereof was not unconditional, but, was to be guided by the conditions as indicated in Ext. W-1/M-1 or as indicated in paragraph 30 and 31 above. It must also be noted that under the Scheme, all categories of employees, male or female, who had put in at least 5 years of service and was above the age of 45 years and not more than 56 years, were eligible for Voluntary Retirement. It has also been indicated in the said Scheme that in the case of Voluntary retirement of an eligible employee, he would be paid all his legal dues, including gratuity and other payments and the dependants would be given employment as underground piece rated loader and no employment would be given in time-rated categories, to such new entrants.

33. MW-1 has in his evidence, indicated duly, the necessary requirements for being eligible under the said Scheme and how long, the same was effective. He was not of course aware, if any of the employees, for employment of whose dependants under the said Scheme, had really filed their necessary applications. But, he deposed categorically that the said Company has not acted arbitrarily in the matter.

34. It should be noted and as indicated earlier that neither any of the applicants for such appointment under the Scheme nor the employee concerned, have deposed and the evidence

in support of their cases were sought to be tendered through WW-1. Similarly, the said Company has not tendered their evidence in any of the cases and they practically relied on the terms of Ext. M-1, for terms, scope and applicability/availability in the facts of the case, apart from claiming that no cases of any of the employees have been brought home and proved in accordance with law, in addition to their claim that the cases cannot be adjudicated, as they are not Industrial Disputes.

35. It is true that there is paucity of legal evidence for establishing the cases of either sides. So, the Tribunal will have no other way, but to proceed on the admitted and available pleadings, if possible, to decide the lis.

36. So far as the Second Reference is concerned, it has already been indicated that the case of Mongal Singh-Clerk, was not pressed and I have indicated earlier my findings, in so far as he is concerned in paragraph 28 above. Thus, in this Reference, the cases of the remaining three employees, are required to be considered. So far those employees are concerned, it has been stated, which fact has of course been demed that their sons were medically examined. If that is so, it can be deduced that the relevant applications were made, as otherwise, there would have been no cause or occasion for such medical examination. So, I feel that so far those employees other than Mongal Singh as involved in the Second Reference, the same may be answered in the affirmative and to the extent that if they are otherwise found suitable and eligible, their cases for employment as underground piece rated loaders, in terms of the Scheme Ext. W-1/M-1. This is of course to the further satisfaction that the employees concerned, at the time of applying really satisfied the relevant tests, including that of age, since it has also been alleged by the said Company that, they, on the date of applying, did not satisfy such tests duly and Sri Mukardhan Kurmi, since the said Company, did not accept his application for voluntary retirement, worked and duly crossed his 56 years. Similar defence was also advanced in respect of Ashrat Ali Mia. The said Company has submitted amongst others that since Bhatu Prosad was a Telephone Operator, of which there was no shortage, he was not entitled to be considered for the benefits of the said Ext. W-1/M-1. It has of course been stated that on the date i.e. on December 2, 1980, he made an application for voluntary retirement under the Scheme, he had already crossed the age limit of 56 years and further, he was superannuated on reaching his ultimate age of retirement. The defence that the employee concerned, being a Telephone Operator and more particularly, there was no shortage of such category of employee and as such, the employee concerned was not entitled to be covered by the Scheme Ext. W-1/M-1, appeared to be of substance, on due consideration of the terms of the said Scheme.

37. If the employees covered by the Second Reference had already exceeded 56 years of age, their sons will not be entitled to be considered for employment under or in terms of the said Scheme, more particularly when, there was no other cogent legal evidence available. Thus, even inspite of my observations in paragraph 36 above, this Second Reference cannot be answered in the affirmative.

38. Now, let me deal with the First Reference. The respective cases of the parties to the dispute and the evidence as tendered, have been stated/indicated earlier. In this Reference four employees are involved and in fact, there is no evidence duly or legally establishing that they had filed their necessary applications in time or even if such applications were filed, they could duly establish by any evidence, to have wiped out the limitation regarding age as indicated in Ext. W-1/M-1, which was admittedly in force and effective for a limited period and even the same did not ordinarily form a condition of service or terms of employment for all types of employees and also for all times. The said Union has signally failed to establish the case of the employees concerned in justification of their claims.

39. Thus, the answer in the First Reference must be in the negative and not in favour of the claims of the said Union, representing the employees concerned.

40. In view of the above, both the References should fail and as such, they should be rejected. I order accordingly.

41. The above are my Awards, in the References under consideration.

Dated, Calcutta,

The 24th May, 1993.

MANASH NATH ROY, Presiding Officer

नई दिल्ली, 9 जुलाई, 1993

का.आ. 1652 .--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, सरकार एम.सी.सी.एल. के प्रबन्धतंत्र के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद-I, के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-7-93 को प्राप्त हुआ था।

[संख्या एल-22012/71/88-डी IV (बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 9th July, 1993

S.O. 1652.--In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Government Industrial Tribunal Hyderabad-I as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 7-7-1993.

[No. L-22012/71/88-D.IV (B)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal.

Dated, the 25th June, 1993

Industrial Dispute No. 114 of 1983

BETWEEN

T. Venkatachary

—Petitioner

AND

Project Manager, Singareni Collieries Co. Ltd. CCC (Via) Narsapur (Via) Mancherial, Adilabad District—Respondent

APPEARANCES :

M/s. N. K. Annapurna Devi and A. V. Pardhasaradhi, Advocates—for the Petitioner.

M/s. K. Srinivas Murthy, G. Sudha and Mitra Das, Advocates—for the Respondent.

AWARD

The Government of India. Ministry of Labour, by its Order No. L-22012/71/88-D.IV (B) dated 20-12-1988 referred the following dispute under Section 10(1)(d) and (2-A) of the Industrial Disputes Act, 1947 between the employers in relation to the management of Coal Chemical Complex of M/s. S.C. Co. Ltd., and their workmen to this Tribunal for adjudication :

"Whether the action of the Management of Coal Chemical Complex of M/s. Singareni Collieries Co. Ltd., P.O. Coal Chemical Complex 504302 in terminating the services of Sri T. Venkata Chary, General Mazdoor w.e.f. 1-4-82 is justified? If not, to what relief the workmen concerned is entitled?"

This reference was registered as Industrial Dispute No. 114 of 1988 and notices were issued to both the parties.

2. The brief contents of the claim statement filed by the Petitioner-workman read as follows :

The claimant joined in the service of Singareni Collieries Company Limited on 15-2-1977 and with effect from 29-3-1978 his services were confirmed and worked as General Mazdoor from the date of joining till 10-3-1982. He applied for 3 days earned leave from 11-3-1982 to 13-3-1982 and left the head quarters. Later he extended the same by sending a telegram for five days from 15-3-1982 to 19-3-1982 and with loss of pay on 20-3-1982. As per his request leave was sanctioned upto 20-3-1982. After that for the reasons out of his hands and family difficulties he could not attend the duty immediately after the expiration of the leave period. When he approached the authorities immediately, he was informed that his service was terminated under Clause 11(c) of the Company Standing Orders. The claimant questioned the order of termination for the following and other grounds that may be urged at the time of hearing of this case. The order of the Company terminating the claimant is bad, illegal and against the principles of law and principles as laid down by Supreme Court and High Court in various cases. The claimant was not served with any notice of termination before any such order was passed under 11(c) of the Company Standing Orders nor he was heard personally. The claimant ought to have been placed or kept in 'Badli' list and ask for explanation for any misconduct if any committed by the claimant for any unauthorised absenteeism. The Respondent has violated the terms of the Memorandum of Settlement entered into with the Union on various dates. The Management has agreed to settle the 11(c) cases on so many occasions. The Respondent neither issued a show cause notice before termination under 11(c) of the Company Standing Order nor followed the procedure as laid down under Section 25-F of the I. D. Act, the order is deemed to be void ab initio and the claimant shall be treated to have been in continuous service and it never came to an end and as such the claimant is entitled to reinstatement with full back wages. The order of the Respondent in refusing to reinstate the claimant is arbitrary and discriminatory when workman namely M/s. Bhupal Tandan and Subbuddin officers were given reinstatement orders. The termination of service of the claimant under 11(c) of the Company Standing Order for the unauthorised leave, is bad, illegal and liable to be set aside in limine as it amounting to retrenchment and as the Respondent never complied with Section 25-F of the I. D. Act i.e. payment of notice pay and retrenchment compensation and as such the claimant ought to have been reinstated with full back wages. That this Hon'ble Court may be pleased to Award reinstatement with full back wages with effect from 1-4-1982 and continuity of service and all other attendant benefits to the claimant.

3. The brief contents of the counter filed by the Respondent-Management read as follows :

It is respectfully submitted that some of the material facts are stated to suit the case of the claimant herein and the petitioner is put to strict proof of the same. It is also true that Mr. T. Venkatachary was initially appointed as temporary General Mazdoor in Category I working in Coal Chemical Complex on 25-2-1977 and he was given regular employment and confirmed as General Mazdoor in Category I on 29-3-1978. It is also true that this petitioner worked upto 10-3-1982. The Petitioner remained absent and later on applied for Earned Leave from 11-3-1982 to 13-3-1982 for 3 days which has been sanctioned. But the Petitioner has not joined for duty immediately on 14-3-1982. He kept quite silent upon 24-3-1982 and on 24-3-1982 the claimant sent a telegram which read as follows :

"PROJECT MANAGER COAL CHEMICAL COMPLEX NARSPUR MANCHERIAL PRAY EXTENSION E.L. FROM 15th to 20th URGENT WORK—T. VENKATACHERI G. MAJDUR".

On receipt of the said Telegram, the Respondent-Management sanctioned the leave and tried to adjust his leave. Thus the Respondent management accepted the leave from 15-3-82 to 20-3-1982. But the Earned Leave could be adjusted only upto 19-3-1982 and from 20-3-1982 he has to be treated as loss of pay. It may be noticed that the Petitioner has chosen to request the Respondent Management for leave by a telegram dated 24-3-1982 from 15th to 20th, though he is fully aware that he is supposed to join on 21-3-1982 or in the alternative to give a leave letter from the period 21st March, 1982. No such letter has been given by him, though he is fully aware of the leave rules. No letter has been received from this Petitioner for regularising leave from 21st March, 1982 with an ulterior motive this petitioner has chosen to issue a telegram on 24th March, 1982 for the period already expired. But no information was coming this petitioner from 15-3-1982 itself, that was the reason the management issued a letter dated 5-4-1982 bringing out the above mentioned material fact and intimated that they took action under Section 11(c) of the Standing Orders of the Respondent-Company. The said letter was sent to this petitioner by registered post acknowledgement due which was returned by the postal endorsement "Addressee absent". The allegation that this petitioner applied for 3 days earned leave from 11-3-1982 to 13-3-1982 is totally false. The allegation that he left the head quarters, later he extended his leave by sending a Telegram and with loss of pay is not correct. The further allegation after that for the reason out of his hands and family difficulties he could not attend the duty immediately after the expiration of the leave period is totally false. But the Petition has not chosen to attempt to attend for duty and abandoned the service which resulted the management treating him under Clause 11(c) of Standing Orders of the Company. To cover up the delay from 1982 to 1987 the petitioner has chosen to make the false allegation, that this petitioner met several authorities requesting them to reinstate him as General Mazdoor and nothing found up and he has requested the Vice President of Singareni Collieries Company Limited. Union is not correct. It is submitted that the petitioner herein from 1982 to 1987 has not made any representation and first time he made representation at the fag end of the year. The Union also exposed this clause only in the month of November, 1987 by writing a letter to the Regional Labour Commissioner (C) and forwarded a copy to the Respondent-Management, that itself clearly indicates from 1982 to 1987 neither this petitioner nor the petitioner's Union evinced any interest to raise dispute. Without prejudice to the rights of the Respondent, it is respectfully submitted that it is well settled law. Stale claims cannot be entertained and even in the Andhra Pradesh in several judgement have held to belated claims have to be treated as stale claim as employees have no interest to do jobs. On this ground alone the reference is not maintainable under law and the reference is bad in law. The allegation that the Respondent management has violated the terms of the Memorandum of Settlement is not correct. It may be noticed that the settlement was entered on 26-6-1984 and immediately after the settlement the Unions have brought the people covered under it and they have given benefits as per the settlement. Coal Chemical Complex is in Bellampally area and 45 workers were listed by the Union and got the said benefits. In the list of 45 workers, this petitioner name is not there. Even basing upon the settlement dated 26-6-1984 this petitioner is not entitled to claim any relief. No settlement entered between the management and the Union is applicable to the petitioner's case. It is respectfully submitted that with the cases of other workmen, this petitioner case cannot be compared. The facts of the case are totally different. For those workmen the management has reinstated they were not having a long gap of six years. This petition case cannot be compared with their case at all. Section 25(F) is not applicable to the case of the petitioner as he has abandoned the service. The allegation that the order is deemed to be void ab initio is not correct. The case of M/s. Bhupal Tandan and Subbuddin cannot be compared with the case of the petitioner. The material facts are totally different. The allegation that the order passed by the management is arbitrary and discriminatory is not correct and the petitioner is put to strict proof of the same. As stated earlier the Section 25(F) is not applicable to the case nor the petitioner is entitled for reinstatement with back wages alleged from 1-4-1982 with continuous service. False and frivolous application has been filed before this Hon'ble Court and the petitioner has not come with clean hands before this Hon'ble Court and gave distorted versions in the claim petition. In view of the above mentioned facts this Hon'ble Court may be pleased to dismiss the petition.



4. WW-1 was examined on behalf of the Petitioner and no documents were marked. MW-1 was examined on behalf of the Respondent and marked Exs. M-1 to M-8.

5. The point for adjudication is whether the Management of Coal Chemical Complex of M/s. Singareni Collieries Company Limited, P.O. Coal Chemical Complex in terminating the services of Sri T. Venkata Chary, General Mazdoor on 1-4-1982 is justified?

6. WW-1 is Sri T. Venkatachary, the Petitioner-workman. He deposed that he is the concerned workman in the reference in this industrial dispute. He joined the service under the Respondent as General Mazdoor on 15-2-1977 and his services were confirmed on 29-3-1978. He worked as General Mazdoor till 10-3-1982. He applied for casual leave for three days from 11-3-1982 to 13-3-1982 and went to his native place Mahaboobnagar. He sent a telegram to the management of the Respondent requesting to extend his casual leave till 20-3-1982. Due to financial troubles he remained at his house at Mahaboobnagar. He went to the Respondent Company in the last week of April 1982. The witness corrects himself and again says that he went to the Management of the Respondent Company in the last week of March 1982 to join the service and reported for duty. He was informed there that he was removed from service. The Respondent company did not issue any notice to him informing him that he was removed from service. No order of removing him from service was served on him. After he was removed from service he met the management several times but he was not reinstated. He was not taken into service as per the agreement dated 26-6-1984 entered into between the management and the union as he did not meet any of the office bearer of the Union. Later he met the Union people and the Union has taken up the cause and moved the conciliation officer. Before removing him from service, the Management of the Respondent Company did not issue any notice to him, nor did the management pay him any notice pay in lieu of not issuing the Notice nor did the management pay him any compensation. No domestic enquiry was conducted by the Management in this case against him, before removing him from service. He did not receive any removal order from the Management alleged to have been sent to him by registered post. He prays the Court to pass an award directing the management to reinstate him into service with full back wages, continuity of service and all other attendant benefits.

7. MW1 is D. Satyanarayana. He deposed that he has been working as Personnel Officer in Coal Chemical Complex in the Respondent-Company since 1988. He is deposing by looking into the records of this case. WW1 was appointed as General Mazdoor on 15-2-1977 and his services were regularised on 29-3-1979. He worked in the Respondent Company till 13-3-82. WW1 applied for leave from 11-3-1982 to 13-3-1982. He extended his leave from 15-3-1982 to 20-3-1982. The above said two spells of leave applied by WW1 was sanctioned by the Respondent-Company. After expiry of sanctioned leave, WW1 did not report to the duty nor did he submit any leave applications extending his leave. Normally, the employee who applies for leave and leaves the headquarters he has to give his leave address in the leave application. During the sanctioned leave period, WW1 did not leave the headquarters. WW1 sent a telegram on 24-3-1982 requesting for extension of leave from 15th to 20th March 1982. The said telegram is Ex. M2. Ex. M2 telegram was sent from Mahaboobnagar. WW1 did not give his address in Ex. M2 telegram. The leave was sanctioned by the Respondent-Company till 20-3-1982 as requested by him in Ex. M2 telegram. After expiry of the said leave also WW1 did not report to the duty and did not join the duty. Subsequent to Ex. M-2 telegram, WW-1 did not send any telegram or leave letter or intimation extending his leave. So WW-1 had lost his lien on job as per standing order 11(c), as he absented from attending the duty without intimation for more than 10 days after expiry of the sanctioned leave. A letter was sent to WW-1 after 10 days after expiry of the sanctioned leave by registered post informing him that he lost his lien on his job, and the said registered letter was sent to the address of WW-1 available in the office and it was returned unserved with postal endorsement "Addresser absent". The unserved returned registered cover is Ex. M-1. The registered cover is opened at the request of the counsel for the Respondent. Ex. M-4 is the letter dated 5-4-1982 sent to WW-1 in Ex. M-1 registered cover, intimating him that he lost lien on his job as per Standing Order 11(c) of the Respondent Company. Ex. M-5 is the application form submitted by WW-1 at the time of his joining the service of the Respondent Company. WW-1 gave his permanent

address at Column No. 9 in Ex. M-5 application form. The address to which Ex. M-1 registered cover was sent is the same address which was given WW-1 in column No. 9 in Ex. M-5. Subsequent to 20-3-1982 WW-1 never approached the management of the Respondent-company at any time and requested to reinstate him into service. On 29-1-1981 there was a settlement entered into between the Unions and the Management of the Respondent-Company to consider the case of the employee who lost the lien on their jobs. Ex. M-6 is the photostat copy of the said settlement. The relevant clause with regard to the consideration of the cases of the employees who lost their lien on the jobs is Clause 9 in Ex. M-6. WW-1 did not approach the Management for considering his case within one year from the date he lost the lien on his job as required under Clause 9 of Ex. M-6. On 26-6-1984 there is another settlement entered into the Unions and the management of the Respondent Company and the photostat copy of the said settlement is Ex. M-7. Item 16 in Ex. M-7 is the relevant clause with regard to the consideration for reinstatement of the employees who lost the lien on their jobs as Badlies. As per the settlement in Ex. M-7, the names of 45 employees were given for consideration of their appointment as badlies, by the Union. Ex. M-8 is the covering letter dated 20-7-1983 along with the list of 45 employees, given by the Union to the Management for consideration. The name of WW-1 was not given in the list in Ex. 8. WW-1 submitted Ex. M-3 representation dated 20-10-1987 requesting to reinstate him in the job and this is the first representation submitted by WW-1 to the management with request to reinstate him. The Union raised the dispute before the Conciliation Officer on the basis of Ex. M-3 representation, by WW-1. The percentage of absenteeism is increased to about 40% due to unauthorised absence of the employees and without obtaining sanction leave. WW-1 is not entitled for the relief of reinstatement or any other relief in this I. D.

8. The workman filed written argument wherein it was stated that the workman was appointed on 15-2-1977 in the Respondent-Company and his services were confirmed on 22-3-1978. He worked as General Mazdoor right from his joining the service till 1982. He applied for three days casual leave from 11-2-1982 and left the head quarters. Later, the Petitioner-workman extended the same by sending a telegram for 5 days from 15-3-1982 to 19-3-1982, the same was sanctioned on 30-3-1982. Due to family difficulties he did not join the duty. Therefore, he approached the authorities and the authorities informed him that his services were terminated as per the Standing Orders 11(c). Clause 11(c) of the Standing Orders of the Company reads as follows :

"If the Employee remains absent beyond the period of leave originally granted or subsequently extended he shall lose his lien on his appointment unless :

- (i) He returns within 10 days of the expiry of the leave and
- (ii) gives an explanation to the satisfaction of the Manager of his inability to return before the expiry of leave. In case the employee loses his lien on the appointment he shall be entitled to be kept on the 'Badli' list. Notwithstanding anything mentioned above, any employee who overstays his sanctioned leave or remains absent without properly approved leave will render himself liable for disciplinary action."

In this although the workman in question was removed from service under Clause 11(C) of the Standing Orders of the Company, the Management did not call for the explanation of the workman as to how and why or under what circumstances he abstained from duty and failed to return within 10 days from the date of expiry of the said leave and no explanation was called for. If the explanation is called for by the Management and the Management is not satisfied to the effect that the explanation is not satisfactory, the Respondent-Management should record the same. Accordingly, in this case without calling for explanation of the workman and without issuing any terminal notice, without conducting any enquiry and without publishing in the newspaper about the unauthorised absence, outright the Management terminated the services of the workman. Therefore the Standing Orders of the Company covered under Clause 11(c) is not attracted and outright dismissed from service or terminated from service is shockingly disproportionate to the proved misconduct against the workman. No charge was issued.

9. The workman relied upon the judgement delivered by his Lordship Justice P. A. Choudary in Writ Petition No. 2123 of 1981 wherein his Lordship held that outright dismissal without following the procedure under Clause 11(c) is against the principles of natural justice and therefore applying

the said ruling delivered by their Lordship under Clause 11(c) of the Standing Order of the Company is ultra vires, that which has laid down the principles that where an employee has a right to a post that right cannot be put an end to merely for the reason of over-stayal of the leave. The Petitioner-workman relied upon another judgement reported in 1988 (II) LLJ page 287 wherein it held :

"If the company wanted to inflict some punishment on the petitioner on account of his so called misconduct of being irregular and absent from duties for a long time the petitioner should have been given reasonable opportunity of being heard, before such a drastic action of the removing the petitioner from the employment was taken by the Company. The Management was void ab-initio in other words he continued to be in service and never come to an end. He is entitled to reinstatement with full back wages and continuity of service."

In the present case, the Management did not call for the explanation of the workman and no notice was issued to him and when once the capital punishment of other than dismissal from service is going to be imposed on the workman, it is just and proper on the part of the Management to call for an explanation of the workman and in case if the explanation of the workman is not satisfied, the Management is at liberty to give a reason but in the instant case such a procedure was not followed. Therefore the ruling given by their Lordship directly attracted and the outright dismissal of the workman from service for simple reason, he did not turn up for duty within 10 days after expiry of the leave is not justified and against the principles of natural justice.

10. As the Petitioner-workman raised the dispute in the year 1987 I consider ends of justice would be met if the Petitioner-workman is reinstated into service from the date of raising the dispute i.e. November, 1987 and he is entitled for all back wages and other attendant benefits from time to time.

11. In the result, I find that the Management of Coal Chemical Complex of M/s. Singareni Collieries Company Limited, P.O. Coal Chemical Complex 504 302 in terminating the services of Sri T. Venkata Chary, General Mazdoor w.e.f. 1-4-1982 is not justified. The Respondent-Management is directed to reinstate Sri T. Venkata Chary from the date of the raising of the dispute i.e. November, 1987, the Petitioner-workman is entitled to back wages and all other attendant benefits from time to time from the date of raising the dispute.

Award passed accordingly.

Dictated to the Stenographer, transcribed by him, corrected, by me and given under my hand and the seal of this Tribunal, this the 25th day of June, 1993.

Y. VENKATACHALAM, Industrial-Tribunal-I

#### Appendix to Evidence

Witnesses Examined on behalf of the Petitioner/ Workman :	Witnesses Examined on behalf of the Respondent/ Management :
W.W-1 T. Venkatachary	MW-1 D. Satpanarayana.

#### Documents marked for the Respondent/Management

- Ex. M-1—Registered cover with Ack. addressed to T. Venkatachary C/o Sri T. Lachiah Chary, Ravindranagar, H. No. 3-6-86, Mahaboobnagar.
- Ex. M2/24-3-82—Telegram sent by the Petitioner i.e. T. Venkatachary to the Project Manager, Coal Chemical Complex with regard to extension of E. L. from 15th to 20th March, 1982.
- Ex. M-3/20-10-87—Copy of the representation submitted by T. Venkatachary to the Project Manager, Coal Chemical Complex with regard to reinstate me as General Mazdoor in Coal Chemical Complex plant.
- Ex. M 4/3-4-82—Order issued by the Project Manager Coal Chemical Complex to T. Venkatachary.
- Ex. M-5—Personal data form of Sri T. Venkatachary.
- Ex. M-6/29-4-81—Photostat copy of the Memorandum of settlement arrived between the Workman and the Management of S. C. Co. Ltd., before Regional Labour Commissioner (C), Hyderabad.
- Ex. M-7/26-6-84—Photostat copy of the Memorandum of Settlement arrived between the Workmen and the Management of S. C. Co. Ltd., and their workmen before Regional Labour Commissioner (C), Hyderabad.

Ex. M-8/20-7-84—Photostat copy of the letter addressed by the C&M.O. S.C. Co. Ltd., to E.O., Bellampalli with regard to 45 ex-workers of Bellampalli Area.

नई दिल्ली, 9 जुलाई, 1993

का.आ. 1653 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मोहनपुर कोयली के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविद्ध औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती हैं, जो केन्द्रीय सरकार को 7-7-93 को प्राप्त हुआ था।

[संख्या एल-19012/98/86-डी-IV (बी)]

राजा लाल, डैस्क अधिकारी

New Delhi, the 9th July, 1993

S.O. 1653.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Mohan Pur Colliery and their workmen, which was received by the Central Government on 7-7-1993.

[No. L-19012/98/86-D. IV (B)]

RAJA LAL, Desk Officer

#### ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
AT CALCUTTA

REFERENCE NO. 40 OF 1988

PARTIES : Employers in relation to the management of  
Mohanpur Colliery.

AND

Their workmen.

PRESENT :

Justice Manash Nath Roy, Presiding Officer.

APPEARANCES :

On behalf of Management : Mr. A. K. Roy, Personal Officer.

On behalf of Workman : Mr. Kishore Chatterjee, Secretary of the Union.

STATE : West Bengal

INDUSTRY : Coal

#### AWARD

The dispute, if the Management of Mohanpur Colliery of M/s. E. C. Ltd. (hereinafter referred to as the said Colliery), in not accepting the year of birth of Shri Fakira Nunia, Truck Loader (hereinafter referred to as the said Employee), recorded as July 1, 1936 in the Identity card, issued by the Management and terminating his services with effect from June 22, 1985, was justified or not and if not, to what relief the said employee was entitled, was referred for adjudication to this Tribunal, by the Government Order of Reference No. L-19012/(98)/86-DIV (B), dated April 23, 1987, under Section 10(1)(d) and (2-A) of the Industrial Dispute Act, 1947 (hereinafter referred to as the said Act).

2. After usual Notices, the parties filed and completed their pleadings. The case of the said employee was represented by the Secretary of the Colliery Mazdoor Union, I.N.T.U.C. (hereinafter referred to as the said Union) and in fact, by their Written Statement as filed on July 13, 1988, they have claimed that the said employee, who was a permanent loader, was superannuated, before reaching his age of superannuation. It has been indicated that according to the Photo Identity Card also, as issued by the Management, there was no or could be any dispute over the above fact and as a consequence of such action of the said Employer, the said employee has been thrown out of employment, prematurely.

3. It was further indicated that the Photo Identity Card and the Provident Fund Account Number, where the date of birth of the said employee duly recorded, were signed by the Welfare Officer of the said Employer, showing the date of birth as July 1, 1936 and the 'B' Form Register as produced by them before the R.L.C. (C), Asansol, was not a correct Register and such facts, would also be established from the intrinsic evidence as available from that record and the said employee's services have been terminated, unlawfully. It has further been alleged that the said employee was never served with a notice to appear before any Medical Board. The said



Union was also asked for production of the 'B' Form Register, as maintained by the erstwhile employer of the said employee.

4. It has further been alleged that the said employee has been restrained from discharging his duties with effect from June, 22, 1985 and such action being illegal, on June 24, 1985, he duly lodged a protest, which again has been received by them, and after that, they have issued the letter of superannuation, showing the date of such superannuation with effect from June 20, 1985, with an ulterior motive, and in taking such action of superannuation, the said employer has violated, the relevant law viz laws meant for Coal Mining Industry. It has also been alleged that the said employee was victimised for his Trade Union activities, and the entire action was arbitrary, illegal, motivated and bad. A prayer has been made for reinstatement with full back wages and other dues.

5. The said employer by their Written statement, filed on October 3, 1988, claimed that the dispute as referred for adjudication, on espousal by Shri Kishore Chatterjee on July 13, 1975, was not a proper one under or in terms of Section 2(k) of the said Act, as the said Shri Chatterjee, was not really the Secretary of the said Union, but posed himself to be so. Such stand was sought to be established, as according to them, the name of the said Chatterjee was not mentioned in the list of Office bearers submitted by the said Union, for the Colliery in question.

6. It is an admitted fact, which was also stated by the said Company that the age of superannuation in the concerned colliery amongst others, is 60 years. It has further been indicated that according to the provisions of the Mines Act, 1952, particulars of the employees are required to be kept, maintained and incorporated in the prescribed 'B' Form Register and from such Register, the recorded year of birth of the said employee will appear to be 1924. In fact, he was appointed on February 7, 1933 and he has affixed his left thumb impression in the said 'B' Form Register.

7. It was the case of the said employer that in or about 1976, they circulated a Circular indicating that in cases, where the workman declare their year of birth only and not the date and month of their birth, middle of the year i.e. June 30, will be deemed to be their date of birth and such Rule is being followed throughout the Collieries in the concerned belt. It was their case, thus, in accordance with the entries of his age in the 'B' Form Register, the said employee reached his age of superannuation on June 30, 1984, but, inadvertently, no notice of superannuation was served on him for superannuating him with effect from July 1, 1984 and such mistake having been decided in or about June 1985, the letter of superannuation was served on him informing that he will retire on June 22, 1985, but in the meantime the said employee had already crossed his due age of superannuation, at least a year earlier. The inaction of the said employer in the matter as indicated is deplorable and should be deprecated and for such inaction, they are not entitled to any credit and appreciation.

8. The said employer has further stated that a Pay-book-cum-Identity card, containing the age and other particulars of the said employee, was issued and those entries were corresponding to the particulars of the said employee, as recorded in the 'B' Form Register, which incidentally was the basic record. It has also been indicated that the said Pay-book-cum-Identity card was retained by the said employee. The said employer has further contended that the superannuation of the said employee on June 22, 1985, being due and justified, he would not be entitled to any relief.

9. It has been indicated further that pursuant to the Nationalisation Scheme, the concerned Colliery was Nationalised on May 1, 1973, in terms of or under the provisions of Coal Mines Nationalisation Act, 1975 and soon thereafter, the "B" Form Register, where the name and other particulars of the said employee will appear in serial No. III at page 18 (Exhibit M-2), was prepared, which again was claimed to have been prepared and opened on the basis of the 'B' Form Register, as available from the erstwhile Colliery. It has further been indicated that in the present 'B' Form Register as prepared and produced, the said employee has affixed his I.T.I. and in such record, his year of birth was duly recorded as 1924. It has also been pointed out that in all the 'B' Form Registers as prepared, the year of birth of the

said employee has been shown and recorded as 1924 and the said employee, not only has put his I.T.I., but has also acted on the basis of such recordings, without any objection. It was also the case of the said employer that the 'B' Form Register of the erstwhile Colliery is not available now and the Identity card of the said employee, which was produced during the conciliation, was a fake and tampered one. It has further been indicated, the said employee never made any representation, disputing the age as recorded, during his tenure of service and the challenges thrown against the 'B' Form Register by the said Union, were denied. It has also been pointed out that in terms of Joint Bipartite Committee for the Coal Mining Industry, there was no occasion for referring the said employee to the Age Determination committee/Medical Board, for determination of his age. It has further been stated that the said employer has not acted in the matter, with any motive as alleged or that the action against him, was taken, as he was an active member of the said Union.

10. There was a rejoinder filed in February 1, 1989, by the said Union through the said Sri Kishore Chatterjee contending inter alia amongst others, that by their Written Statement, the said employer has sought to mislead this Tribunal and that too, by suppressing material facts. It has been indicated that by Exhibit 'A' to the rejoinder, on June 24, 1985, the said employee was stopped from discharging his duties, without any fault from June 22, 1985 and such action was unjust and unfair, as, such action was taken against him, for his Trade Union activities. His superannuation was also indicated to be illegal. Apart from the above Exhibit, the other Exhibits, being Exhibit 'B' and 'C' to the rejoinder, have been mentioned, but only Exhibit 'B' has been disclosed and not the Exhibit 'C'.

11. In this proceedings, there was only one evidence tendered through MW-1, Shri A. K. Roy, the Personnel Officer of the concerned Colliery. He produced and proved the letter of superannuation Exhibit M-2, relating to the said employee. He has further said that the superannuation notice was issued to the said employee, immediately on detection that he has already crossed the age of superannuation, which was 60 years, for the Colliery concerned. He has also produced and proved the Failure Report Exhibit M-3. This witness was not cross examined and his evidence had gone unchallenged.

12. The said Union has not tendered any oral evidence and I think, some facts should be reproduced from the Order Sheet, which will prove and show that they had due opportunities to tender such evidence, but have failed.

13. It would appear that after due notice the said Sri Chatterjee as the Secretary of the said Union did not appear till March 29, 1989 and thereafter, one Sri Dipak Chatterjee, another office bearer of the said Union appeared and after that, inspite of necessary informations, nobody appeared for the said Union till March 9, 1992, on which date, the said employer tendered evidence through M.W.-1, but he was not cross-examined, inspite of notices as indicated, nobody appeared for the said Union, so the next date of hearing was fixed on April 29, 1992, for cross-examination of M.W. 1, with a further direction, in case of failure to cross examine the case will be heard ex-parte on the date as fixed. But even after service of the necessary notice, on the date as fixed, the said Union did not appear and in such situation, the said employer filed their written argument. The said employer closed their argument and were directed to serve a copy of such argument on the said Union, which they have done and notice was served on them, fixing June 24, 1992, for their argument. The service of the above order was found, not to have been effected on the said Union, so August 19, 1992, was fixed again for their argument. This time, notice was served, but inspite thereof, nobody appeared and as such, the case, was fixed for ex-parte hearing on October 28, 1992. This notice was also served, but even thereafter, nobody appeared for the said Union and so, the hearing was again shifted to December 16, 1992, for giving them further opportunities. The necessary notice was served, but the result was the same, as the said Union did not appear, and as such, again the case was fixed for ex-parte hearing on February 10, 1993 and the result was the same as above, as the said Union, inspite of notice, took no steps to appear and although the notice was served, yet the same had no impact, as the

said Union did not appear again. Thus, the case was again refiled on March 24, 1993, for giving further opportunities to the said Union, to file their Written Argument, if any. In view of the notice, on this date, the said Union had filed their written argument, without any further prayer. Then also the said Union has neither tendered their evidence nor rebutted the evidence of the said employer, as tendered.

14. I have indicated earlier that the parties to the proceedings have filed their Written Arguments on the basis of the relevant facts and pleadings as indicated earlier. In view of the unchallenged and unrebutted evidence, as tendered by the said employer, it cannot be held and agreed that the 'B' Form Register as produced or the entries therein were neither proper nor bonafide as claimed. Since the said Union has not tendered any evidence, the Xerox copy of the document with photograph as fixed along with the written notes, cannot be taken into consideration now, as neither the original of the same was produced nor the document was duly proved and brought in evidence, more particularly when, as indicated earlier, such record as claimed to have been produced in the conciliation stage was claimed by the said employer to be a fake and fabricated one. It is of course true that after the order dated June 22 1985, on June 24, 1985, the said employee lodged protest and the fact of such protest agrees with the case as sought to be made out by him or on his behalf, in the Written Statement. Even then, the Reference, in the facts of the case, cannot be answered in the affirmative and in favour of the said employee, in view of the admitted paucity and dearth of evidence or the unsatisfactory state of the same. This should also be noted that this is not a case of retrenchment.

15. Thus, the Reference is rejected.

16. This is my Award.

Dated, Calcutta.

The 8th June, 1993.

MANASH NATH ROY, Presiding Officer

नई दिल्ली, 9 जुलाई, 1993

का.मा. 1654:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस सी सी एल. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचद को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-7-93 को प्राप्त हुआ था।

[संख्या एल-21012/65/86-डी-III(बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 9th July, 1993

S.O. 1654.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 7-7-1993.

[No. L-21012/65/86 DIII(B)]

RAJA LAL, Desk Officer

#### ANNEXURE

#### BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

#### PRESENT:

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal

FOURTH DAY OF JUNE NINETEEN HUNDRED NINETY THREE

Industrial Dispute No. 4 of 1987

#### BETWEEN

The Workmen of Singareni Collieries Company Limited represented by General Secretary, Singareni Miners and Engineering Workers Union.—Petitioner.

#### AND

The General Manager, Area-I, Singareni Collieries Company Limited, Godavari Khani, Karimnagar District. —Respondent.

#### APPEARANCES:

Sarvasri A. K. Jayaprakash Rao, P. Damodar Reddy and Ch. Laxminarayana, Advocates for the Petitioner.

Sri K. Srinivasa Murthy and Miss G. Sudha, Advocates for the Respondent.

#### AWARD

The Government of India, Ministry of Labour, by its Order No. 1-21012/65/86-D.III(B), dt. 12-1-1987 referred the following dispute under Section 10(1)(d) & (2A) of the Industrial Disputes Act, 1947 between the employers in relation to the Management of Singareni Collieries Company Limited, P.O. Godavari Khani, Karimnagar District (Andhra Pradesh) and their Workmen to this Tribunal for adjudication :

"Whether the action of the part of the Management of Singareni Collieries Co. Ltd., in relation to Godavari Khani 5A Incline in dismissing the services of Sri Soppari Shankar, Haulage Khalasi, GDK No. 5A Incline with effect from 17-4-1983 is fair and justified ? If not, to what relief the workman is entitled ?"

This reference was registered as Industrial Dispute No. 4 of 1987 and notices were issued to both the parties.

2. The Petitioner filed the claim statement and the brief contents of the claim statement are as follows : The Petitioner submits that the delinquent employee Sri Soppari Shankar, Hauler Khalasi is a Member of the Petitioner-Union and the Petitioner Union espoused the cause of the dismissal of Soppari Shankar w.e.f. 17-4-1983. The Petitioner submits that the said Soppari Shankar joined the service of the Respondent-Company as a Temporary General Mazdoor on 28-5-1977, thereafter he was promoted as Hauler Khalasi, category IV on 15-10-1980. The Petitioner submits that the said employee has put in unblemished record of service till he was illegally dismissed from service by the Respondent Company on 17-4-1983. That he was undergoing the treatment as he was suffering with 'Ulcer' and due to which he was frequently getting stomach pain, he underwent treatment with Dr. Deshpande, Civil Assistant Surgeon when the delinquent employee has not recovered by the treatment given at Company's Hospital, his family members shifted him to Hyderabad. When the delinquent employee was undergoing treatment and when he visited to his native place, he was arrested by the Police in Crime No. 138/82 under Section 148, 307 R/w 148-IPC and 25(1) and 27(a) of Indian Arms Act and he was remands, to judicial custody. The Petitioner submits that the delinquent employee has not received any notice of enquiry as he was in police custody for investigation. The Petitioner submits since the delinquent employee was in the custody of the police, he has not received any charge sheet nor the said delinquent employee could not submit his explanation. Further submits that the Respondent conducted an ex parte enquiry and awarded maximum punishment of dismissal which does not commensurate with the gravity of the alleged misconduct. The petitioner submits that the said delinquent employee was honourably acquitted by the Asst. Sessions Judge, Karimnagar in Sessions Case No. 26/83 and 62/83 by judgement dt. 8-7-1986. The allegations levelled against the delinquent employee was that he remained absent from 1-9-1982 to till he was illegally dismissed by the Respondent with effect from 17-4-1983. The petitioner submits

that the delinquent employee was not given reasonable opportunity to defend himself in the enquiry and also he was not given sufficient time for submitting his explanation. The petitioner further submits that the Respondent failed to furnish the statement recorded in the enquiry and also the report of the enquiry officer. The Petitioner further submits that the findings of the enquiry officer are therefore, perverse, one sided and not based on any legal evidence on record. The Petitioner submits that the entire proceedings of enquiry are vitiated as the said proceedings were conducted in violation of principles of natural justice. The Petitioner submits that as the said employee was suffering with severe stomach pain and he was undergoing treatment and therefore he had to necessarily take treatment to get cured. The petitioner further submits that even the acute stomach pain was developed to the delinquent due to the accident in underground, during the course and out of his employment. The petitioner submits that the delinquent employee has not committed any misconduct which warrants the maximum punishment of dismissal. The Petitioner submits that while imposing the punishment the Respondent has failed to take into consideration the gravity of the alleged misconduct, and the quantum of punishment to be imposed on the delinquent employee, but imposed the maximum punishment of dismissal which is shockingly disproportionate. Ever since the date of dismissal the delinquent employee remained unemployed and could not secure any alternate employment in spite of his best efforts. The petitioner therefore prays that the Hon'ble Court may be pleased to dismiss the order of dismissal in dismissing Sri Soppari Shankar and direct the respondent to take back the workman into service with full back wages and attendant benefits.

3. The Respondent-Management filed the counter and the brief contents of the counter are as follows :

It is submitted the workman in dispute Sri S. Shankar initially joined as Badli Filler on 6-12-1976. Later on 15-10-1980 he was posted as Hauler Khalasi. The allegation that the workman in dispute joined as a Temporary General Mazdoor on 28-5-1977 is not correct. The workman is having unblemished record of service till he was dismissed from service is totally false. While the workman was working as Hauler Khalasi remained absent unauthorisedly without intimation of the company more than 10 days. According to the standing orders of the Company, the management under Standing Order No. 16(16) issued charge sheet for his absence and called for explanation and also sent the charge sheet and notice of enquiry to the addresses given by him according to the service records. The covers returned unserved. The Management has chosen to publish it in Andhra Patrika on 7-1-1983 intimating that the domestic enquiry will be conducted on 16-1-1983. Even on that day the workman was not present for enquiry as such enquiry officer was constrained to proceed with the domestic enquiry ex parte and findings were forwarded to the management and basing upon the past record of the workman in dispute and findings of the enquiry officer management passed order of dismissal on 17-4-1983. That the allegation that petitioner was suffering with 'ulcer' and due to which he was frequently getting stomach pain and underwent treatment with Dr. Deshpande, Civil Assistant Surgeon when he was not recovered by the treatment given at Company's hospital his family members shifted him to Hyderabad is not correct. He was absent because he was having extra curricular activities and due to which he was not coming to the Company and he was a habitual absentee. None of the procedures were followed by workman and for the first time he has chosen to make allegations in the claim that he underwent treatment etc. to cover up his habitual absenteeism. The petitioner did not inform to the Company with regard to alleged illness when he was absent. The Respondent has no knowledge that the workman while undergoing treatment and when he visited his native place, he was arrested by the Police in Crime No. 138/82 under Sections 148, 307 R/W. 148 IPC and 25(1) and 27(a) of Indian Arms Act and he was remanded to judicial custody. If the Petitioner was remanded in judicial custody he ought to have written to the Company with regard to material facts. It may be noticed that the workman suppressed the facts knowing fully well in public sector undertaking employee is not supposed to suppress facts with regard to enquiry by the Police authorities and law & order situation. It may be noticed the charge sheet was issued on 18-11-1982 and notices were returned on 30-11-1982 and paper publication was issued on 7-1-1983 and enquiry date was fixed on 16-1-1983 and during that relevant period no criminal case

was against him nor any enquiry was against him. Later on due enquiries the Respondent came to know that he was arrested on 27-2-1983 and so the allegation that he has no knowledge with regard to enquiry is not correct. The management dismissed him on 17-3-1983. Only after dismissing the workman the Respondent came to know about this. It is submitted that the allegations made stating that because he was in the Police Custody he could not receive charge sheet nor submitted explanation is not correct. It is submitted that on perusal of the past record and by applying its mind the authority concerned passed the order of dismissal. The allegation the dismissal does not commensurate with the gravity of the alleged misconduct is not correct and workman is put to strict proof of the same. The allegation that action of the Respondent is only act of victimisation and unfair labour practice is not correct and workman to gain sympathy this Hon'ble Court has chosen to make this allegation. The Management has not dismissed him because of criminal case. That though this petitioner was aware that he has not participated in the enquiry during the relevant period he has chosen to make an allegation that he was not given reasonable opportunity to defend his case and he was also not given sufficient time for submitting his explanation. It may be noticed that when charge sheet was sent to the addresses given in the service record the said notices were returned with postal endorsement "addressee not available in the village". So the question of the submitting explanation does not arise. It may be noticed that he is aware of the charge sheet and he has not given any letter of intimation to management to extend time. At belated stage as an after-thought the workman has chosen to state that sufficient time was not granted by the management and management has not furnished the statement recorded in the enquiry and report of enquiry officer is totally not correct. The workman himself has admitted that according to the Respondent the workman was absent for the period mentioned in the charge sheet. The story of stomach-ache is due to the accident in the underground is made up and concocted to justify his absence for enquiry. The allegation that he has not committed any misconduct as such it does not warrant maximum punishment of dismissal is not correct. Habitual absenteeism is creating indiscipline and also result in industrial dispute. That was the reason management was constrained to treat habitual absenteeism as serious misconduct. The employee is not entitled for full back wages or continuity of service. This Hon'ble Tribunal may be pleased to dismiss the claim petition and reject the reference.

4. No oral evidence was adduced by the petitioner workman and marked only Ex. W1 on his side. The Management has examined M.W. 1 to M. W5 and marked Exs. M1 to M9.

5. My predecessor passed the preliminary order on 11th July, 1989 that the domestic enquiry is vitiated for the reason that the Petitioner had no opportunity to take part in the enquiry proceedings.

6. The point for adjudication is whether the action of the management in dismissing the services of Sri Soppari Shankar, Haulage Khalasi w.e.f. 17-4-1988 is fair and justifiable?

7. It is contended on behalf of the Petitioner-workman that the Petitioner was suffering with 'Ulcer' and due to which he was frequently getting stomach pain and that he underwent treatment with Dr. Deshpande Civil Assistant Surgeon, the treatment given at Company's Hospital was not recovered, the Petitioner shifted to Hyderabad, and later the petitioner visited his native place. There he was arrested by the Police in Crime No. 138/82 under Sections 148, 307 read with 148-IPC and 25(1) and 27(a) of the Indian Arms Act and later he was remanded to Judicial custody. It is further contended on behalf of the Petitioner-workman that since the delinquent employee was in the custody of the Police, he has not received any charge sheet nor the said delinquent employee could not submit his explanation and further contended that the Respondent conducted the ex-parte enquiry and awarded maximum punishment of dismissal from service and the dismissal does not commensurate with the gravity of the alleged misconduct.

8. On the other hand the contention of the Respondent Management is that the Petitioner-workman in dispute while he was working as Hauler Khalasi remained absent unau-

thorisedly without intimation of the Company more than 10 days, the Respondent-Management under Standing Orders 16(16) issued charge sheet for his absence and called for explanation and also sent the charge sheet and notice of enquiry to the address given by the Petitioner-workman according to the service records, the covers returned unserved. Under these circumstances, to have effective service of the Notice, the Management has chosen to publish it in Andhra Patrika on 7-1-1988 intimating that the domestic enquiry will be conducted on 16-1-1983. Even on that day the workman was not present for enquiry as such Enquiry Officer was constrained to proceed with the domestic enquiry ex parte and findings were forwarded to the Management and basing upon the past record of the workman in dispute and findings of the Enquiry Officer, the Management passed order of dismissal on 17-4-1983.

9. At the very outset we have to see whether the petitioner-workman has really fell ill and had ulcer. The Petitioner-workman did not examined himself in the Tribunal to adduce that he was really suffering from Ulcer and had stomach ache and that he had taken treatment in Hyderabad. No documents were filed by the Respondent-workman to show that he had taken treatment in Hyderabad or anywhere else. It is further the case of the Petitioner-workman that he was arrested by the Police on a criminal charge. This was not intimated to the Respondent-Management by the Petitioner-Workman. It is pertinent to note that the charge sheet was sent to his home address and it was returned unserved, for effective service of the notice, the Management published it in Andhra Patrika dt. 7-1-1983 intimating that the domestic enquiry will be conducted on 16-1-1983. On the date of paper publication, the Petitioner-workman was not arrested by the Police and even on the date of domestic enquiry which was conducted on 16-1-1983, the Petitioner-workman was not arrested by the Police and that he was not in the custody and no criminal case was filed against the Petitioner-Workman. Now the Petitioner cannot deny that he was not issued with the charge sheet and the notice of enquiry and submit his explanation to the charge sheet. It is clear that the Petitioner-workman was not in the custody of the Police on the date of enquiry i.e. 16-1-1983. As a matter of fact, the Petitioner-workman was arrested by the Police on 27-2-1983 as is evident from the letter of the Inspector of Police dt. 3-8-1984 under Ex. M8. It is stated "Accused Soppari Shankar who was absconding since the date of offence, was arrested on 27-2-1983. He was in judicial remand from 28-2-1983 to 10-5-1983". So the Management has given ample opportunity to the Petitioner-workman to defend his case in the domestic enquiry conducted on 16-1-1983. In view of the facts and circumstances stated above, I am of the opinion that the Petitioner-workman was found guilty of absconding himself from duty unauthorisedly without intimation to the company for more than 10 days under Standing Order 16(16). Hence the Petitioner-workman is not entitled for reinstatement into service and the dismissal order passed by the Management is valid and legal.

10. In the result, the action on the part of the management of Singareni Collieries Company Limited in relation to Godavari Khani 5-A Incline in dismissing the services of Sri Soppari Shankar, Haulage Khalas, GDK No. 5-A Incline with effect from 17-4-1983 is fair and justifiable. The petitioner-workman is not entitled to any benefits.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 4th day of June, 1993.

Y. VENKATACHALAM, Industrial Tribunal-I

Appendix of Evidence :

Witnesses Examined  
for the Management :

M.W1 K. Narasaiah

M.W2 T. Ramaiah

M.W3 S. Chandraiah

M.W4 L. Paul Charles

M.W5 Dr. K. V. S. S. B. R. K. Subrahmanyam

Witnesses Examined  
for the Workmen :

NIL

Documents marked for the Management :

Ex. M1/Dt. —Copy of the Muster particulars of S. Shankar for the period from Jan. 1981 to December, 1982.

Ex. M2/18-11-82—Charge sheet dt. 18-11-82 issued to Soppari Shankar by the Dy. CME/Colliery Manager, GDK No. 5A Incline, S. C. Co. Ltd.

Ex. M3/Dt. —Un-delivered registered letter with acknowledgement.

Ex. M4/7-1-83—Paper publication in Andhra Patrika dt. 7-1-83.

Ex. M5/Dt. —12 pay sheets of 12 months from January, 1981 to December, 1981.

Ex. M6/Dt. —12 Pay Sheets of 12 months from January, 1982 to December, 1982.

Ex. M7/13-4-83—Copy of the dismissal order issued by the Addl. C. M. E. M/s. S. C. Co. Ltd., Ramagundam Collieries to Soppari Shankar.

Ex. M8/3-8-84—Photostat copy of the letter addressed by the Inspector of Police, Godavarikhani to the General Manager, S. C. Co. Ltd. Godavarikhani with regard to Criminal cases against Soppari Shankar.

Ex. M9/1-8-84—Photostat copy of the letter addressed by the General Manager, S. C. Co. Ltd., Godavarikhani to the Inspector of Police, Godavarikhani with regard to S. Shankar.

Documents marked for the Petitioner-Workman :

Ex. W1/28-7-83—Representation dt. 28-7-83 made by Soppari Shankar to the General Manager, M/s. S. C. Co. Ltd., Ramagundam Division, Godavari Khani.

नई दिल्ली, 9 जुलाई, 1993

का.आ. 1655 :— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फूड कारपोरेशन आफ इंडिया के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-7-93 को प्राप्त हुआ था।

[संख्या एल-22012/506/90 आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 9th July, 1993

S.O. 1655.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Food Corporation of India and their workman which was received by the Central Government on 7-7-99.

[No. L-22012/506/90-IR(C-ID)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE SRI ARJAN DEV, PRESIDING OFFICER  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 78 of 1991

In the matter of dispute between :

The State Secretary,

Bhartiya Khadya Nigam Karamchhari Sangh,  
F.C.I. Regional Office,  
Lucknow.

AND

Senior Divisional Manager,  
F.C.I. 5/6 Habibullah Estate,  
Lucknow.

#### AWARD

1. The Central Government, Ministry of Labour, vide its notification No. J-22012/506/90-L.R. (Kol-II) dt. 24-5-91 has referred the following dispute for adjudication to this Tribunal :—

"Whether the Zonal Manager (N), Food Corporation of India, Zonal Office (N), New Delhi, was justified to consider and accepting the option of Shri Saraswati Prasad A. G. II (A/c) for change of cadre from Depot Cadre to A/c Cadre in the year 1985 instead of accepting the same in the year 1979 resulting incorrect fixation of seniority and non considering of promotion to the workman alongwith his junior? If not, to what relief the workman concerned is entitled to?"

2. The case of the Union is that the workman Sri Saraswati Prasad who is a Schedule Caste was appointed as A.G.III (Depo) in reserve quota in 1976 and joined the Corporation on 6-4-76. In 1977, the management of the Corporation decided to form Accounts Cadre from amongst the staff of various cadres. Accordingly, the management invited applications from the staff to give their options for transfer to Accounts Cadre. It was stipulated that the members of staff who would opt for Accounts Cadre would not lose their seniority of their parent cadre and the seniority of the present cadre would be given to them in the Accounts Cadre. In pursuance of it the workman also gave his option on 29-11-77. The screening committee while submitting its report did not find the workman as suitable for transfer to Accounts Cadre on the ground that his character roll of two years was not made available to it. The Union alleges that since the custodian of the Character Roll is the management, the workman could not have been penalised for the said lapse on the part of the management. The Union further alleges that the recommendation made by the Committee were arbitrary and mala fide. The workman's representation dt. 27-8-83, and 21-9-83, which were forwarded to the Zonal Office (North) and subsequent reminder given by him in this regard remained unreplyed. However, vide Zonal Office Order No. 3/85 dt. 11-1-85, all of a sudden the management accepted the option of the workman for transfer to the Accounts Cadre. As a result of it the workman lost his seniority. In the seniority list circulated by Zonal Office (North) vide its letter dt. 26-12-86 the name of the workman appeared at serial No. 103. According to the Union there are cases in which the seniority of the employees have been relaxed. For instance, the case of Sri Rakesh Kumar was reconsidered by Zonal Manager (North) and his seniority has been relaxed at serial No. 124-1 vide letter dt. 10-3-87 giving him full benefits with retrospective effect i.e. from 1977-78. Sri Ashok Kumar was promoted as A.G. II Accounts in 1983 and again promoted as A.G.I Accounts in 1986 vide Zonal Office (North) order dt. 30-12-86. The workman also made representation in this regard to the management on 1-8-87, 20-4-88 and 14-7-88, but to no effect. The Union has, therefore, prayed that the management of the corporation be ordered to accept the transfer of the workman to Accounts Cadre w.e.f. 1979 and further to order the management to award promotion to the workman from A.G.III Accounts to A.G.II Accounts w.e.f. 6-8-83 alongwith all consequential benefits. Further the management be directed to fix the seniority of the workman around at serial No. 104 in the seniority list dt. 1-5-85 of A.G.II Accounts and consider the question of promotion of workman from A.G.II Accounts to A.G.I Accounts w.e.f. 30-11-86 alongwith all consequential benefits.

3. The case is contested by the Corporation. The management admit that the workman is a Schedule Caste and was appointed against reserve quota as A.G.III in the Corporation on 6-4-1974. The management also admit that options were invited from the members of the staff of the

Corporation for transfer to the newly created Accounts Cadre. The eligibility criteria in the matter of transfer is found mentioned in annexure I to the written statement. According to the management since the option given by the workman did not meet the requirements, his name was not recommended by the Committee. Character Roll entry of the workman was found below average by the Committee. The management deny that the recommendations made by the Committee were arbitrary or mala fide. The committee was to take into consideration 3 years Character Roll entries but in the case of the workman only two years Character Roll entries were available. The management further plead that the workman's second option dated 7-2-84 was accepted by the management. The management deny that Sri Rakesh Kumar was given full benefits with retrospective effect alongwith seniority. As regards Ashok Kumar the management plead that he was absorbed in 1977 and the seniority was counted from that year and on that basis due promotions were given to him. The case of Sri Ashok Kumar has no relevance with the facts of the present case. Hence the workman is not entitled to any relief.

4. In support of their respective cases both sides have led oral as well as documentary evidence. Whereas the Union has examined the workman, the management have examined Sri Ismar Husain Dy. Manager (P).

5. Ext. M-4, is the copy of circular dated 2-2-77 on the subject of Formation of Accounts Cadre from the level of A.G.III on wards in the corporation issued by the Personnel Manager. In para 4 of the circular it is stated that the employees on their transfer to the Accounts Cadre would be allowed to count their past services in the grade concerned for seniority in terms of regulation 16(7) of the Staff Regulation. On the back of the circular are given details regarding mode of recruitment qualifications promotions etc.—With regard to posts of Assistant Manager, A.G.I, A.G.II and A.G.III in the Accounts cadre. For A.G.III the recruitment would be direct. However, in the remarks column it is mentioned that initially A.G.III of General Cadre possessing the prescribed qualification would be transferred to Accounts cadre on the basis of option.

6. As will be evident from Screening Report dated 21-9-78. copy ext. W-9, the workman also gave his option and his case was also considered by the Screening Committee. It appears from the report that the Screening Committee considered the options of 80 persons. The workman's name appear at serial No. 58. It appears that of his three character Roll entries one was average and other two were not average and so his case was not recommended by the committee. This belies the case set up by the Union in the claim statement that Character Roll entries of two years were not before the Committee.

7. The report of the Committee has been challenged on the ground that the recommendations made by the Committee were arbitrary and mala fide. There is no evidence to support it. In this connection I would like to refer to some of the statements made by the workman himself in his cross examination. He has corroborated the case set up by the Union that he was appointed on 6th April, 1974. According to him he gave his option for transfer to Accounts Cadre on 29th November, 1977. Screening Committee held its sitting in 1978. He admits that before the said Committee it was necessary that there should have been Character Roll entries of 3 years of the candidate. He has expressed his ignorance about the criteria fixed by the Committee for selection in Accounts Cadre. In the circumstances I fail to understand how the Union has come up with the case that the recommendation made by the committee were arbitrary and mala fide. As the facts of the case are the court cannot enter into the subjective satisfaction of the members of the Committee. Therefore if on the basis of recommendation made by the committee the management did not accept the option of the workman for transfer to Accounts Cadre, the action of the management cannot be challenged as the facts are, it cannot be said that the action of the management is in any way unjustified.

8. There is no denying the fact that his second option for transfer to the Accounts cadre was accepted by the management in 1985. Annexure III to the affidavit of the management witness is the copy of circular No. 3 of 1984 dated 17th January, 1984, on the subject of formation of Accounts

Cadre. Instruction regarding withdrawal of option and fresh option. In para (3) of the circular it is clearly mentioned that the employees on their transfer to Accounts Cadre on the basis of the option exercised would be treated junior to the persons not working in the Accounts Cadre in the respective grades and in para (4) it is written that options received upto February, 1984 would be screened by the Screening Committee constituted by the respective Zonal Managers.

9. Ext. M-5 is the copy of option given by the workman. It is dated 7th February, 1984. Towards the end of the option the workman agreed to abide the conditions stipulated with particular reference of seniority etc. Ext. W-3 is the copy of office order No. III/8-I/84 dated 20th December, 1984 on the subject of formation of Accounts Cadre and issue of notification for transfer of Accounts Cadre on the basis of options accepted by the management. Amongst the candidates selected as A.G. III the name of the workman appears at serial no. 54. In it, it is specifically stated that their seniority would be fixed in the Accounts Cadre and they would henceforth have no claim for their seniority in the original cadre.

10. Ext. W-6 is the copy of office order No. 3 of 85 dated 11th January, 1985. In it the name of workman appears at serial number 37. In it illegible it was clarified that persons selected would be treated as junior to the persons already working in the accounts cadre. This is what was made is clear in the circular no. 3 of 1984 (supra) by means of which fresh options were invited. It is thus clear that it was not all of a sudden that the workman was selected for transfer to Accounts Cadre in 1985, but it was on account of the fresh option given by him on the basis of options invited by means of circular No. 3 of 1984, that on his option being accepted, he was transferred to the Accounts Cadre.

11. As the reference stands, the question of incorrect seniority of the workman has to be considered only if it is held that action of the management in not transferring him to the Accounts Cadre in 1979 was unjustified. Therefore, the question of examination of his alleged correct seniority with reference to Ashok Kumar and Rakesh Kumar cannot be considered. The case of Sri Ashok Kumar bear no resemblance to the case of the workman. It is the own case of the Union (vide para 17 of the claim statement) that Sri Ashok Kumar was promoted as A.G. II Accounts Cadre in 1983 i.e. much before the transfer of the workman to Accounts Cadre.

12. Hence the reference order is answered against the Union/workman.

ARJAN DEV, Presiding Officer

नई दिल्ली, 9 जुलाई, 1993

का.आ. 1656 :— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार राजोर कोलियरी आफ इन्ड्यू सी एल के प्रबन्ध के संबद्ध नियोजकों और उनके कर्मकारी के बीच, अनुबन्ध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-7-93 को प्राप्त हुआ था।

[संख्या एल-22012/462/91-आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 9th July, 1993

S.O. 1656.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2 Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Rajur Collieries of WCL and their work-

men, which was received by the Central Government on 7-7-1993.

[No. L-22012/462/91-IR(CII)]

RAJA LAL, Desk Officer

ANNEXUAE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT:

Shri P. D. Apshankar, Presiding Officer.

Reference No. CGIT-2/48 of 1992

PARTIES :

Employers in Relation to the Management of Rajur Colliery of W.C. Ltd.

AND

Their Workmen

APPEARANCES :

For the Employers—Shri G. S. Kapur, Advocate

For the Workmen—No appearance.

INDUSTRY : Coal Mines.

STATE : Maharashtra.

Bombay, dated the 28th June, 1993

AWARD

The Central Government by their order No. L-22012/462/91-IR(C. II) dated 20-7-1992 have referred the following industrial dispute to this Tribunal for adjudication under Section 10(1) (d) of the Industrial Dispute Act, 1947.

"Whether the order of Sub Area Manager, Rajur Colliery bearing No. WCL : SAM : SAR : PER : 88 : 142 dated 19-1-88 for struck off from the Rolls of the Colliery the name of Shri Pandhari Naryan, Casual/Badli Loader is legal and justified ? If not, to what relief the concerned workman is entitled to?"

2. The said reference was received by this Tribunal on 31-7-1992. Thereafter, the notices of the reference were issued to both the parties. Though the said notice was duly served upon the union the union in August, 1992, the union remained absent on 3-9-1992, 13-10-1992, 6-11-1992, and 24-12-1992. The advocate for the management had duly appeared on 13-10-1992 and onwards. The representative of the union appeared before this Tribunal on 20-1-1993. However, on the subsequent dates i.e. on 22-2-1993, 13-4-1993, 18-5-1993, and 23-6-1993, the workman and the union constantly remained absent.

3. The union had challenged the justification and legality of the order in question of the management. However, the workman and the union did not file any statement of claim in support of their alleged claim. They remained constantly absent, and did not plead any evidence in the matter. Therefore, the present reference stands disposed of.

28th June, 1993

P. D. APSHANKAR, Presiding Officer

नई दिल्ली, 9 जुलाई, 1993

का.आ. 1657 :— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डामागोरिया कोलियरी के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आमनसोल, के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-7-93 को प्राप्त हुआ था।

[संख्या एल-22012/261/92-आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 9th July, 1993

S.O. 1657.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Damagoria Colliery and their workmen, which was received by the Central Government on 7-7-1993.

[No. L-22012/261/92-IR (C-II)]

RAJA LAL, Desk Officer

## ANNEXURE

## BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 8/93

## PRESENT :

Shri N. K. Saha, Presiding Officer.

## PARTIES :

Employers in relation to the management of Damagoria Colliery.

## AND

Their Workmen.

## APPEARANCES :

For the Employers—Sri P. K. Das, Advocate.

For the Workmen—Sri S. K. Singh, Branch Secretary of the Union.

INDUSTRY : Coal STATE : West Bengal

Dated, the 28th June, 1993

## AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/261/92-IR (C-II), dated the 30th December, 1992.

## SCHEDULE

"Whether the action of the management of Damagoria Colliery in reducing the wages of Shri Golok Bouri and 13 others (as per the list enclosed) from P/R to T/R from July, 1986 is justified. If not, to what relief is the concerned workmen entitled to?"

2. The case of the union in brief is that all the workmen of this case were piece-rated workers under M/s. Eastern Coalfields Limited prior to July, 1986. They worked as piece-rated workers with different designation. In July, 1986 they were brought to the roll of time-rated workers. But their pay was not protected.

The workmen raised dispute through union. But the attempts of conciliation failed. The matter was sent to the Ministry of Labour, Government of India and ultimately the Ministry of Labour has sent the dispute to this Tribunal for adjudication.

The union also submits that the wages of the concerned workmen were protected after their regularisation w.e.f. 31-12-91. Their pay should be protected on the basis of the last three months average wages drawn by them prior to their deployment as time-rated workers.

3. In this case the management has not filed any written statement. But the management has contested the case.

In this case no oral and documentary evidence has been adduced by either of the parties.

4. Admittedly all the 13 workmen covered by this Reference were piece rated workers under the management of Eastern Coalfields Limited at Damagoria Colliery. They were brought to the roll of time-rated workers from July, 1986 and their wages were reduced without giving any pay

protection which they were drawing as piece-rated workers under the establishment. The above fact is not disputed.

5. It is the settled principle now that the pay of a worker is to be protected at the time of his promotion or any other change as has been done in the present case and that protection should be on the basis of last three months pay drawn by the worker. So considering the principles of natural and social justice and all the facts and circumstances I find that the present concerned 13 workmen named in the schedule of Reference are entitled to get the relief of pay protection as claimed by them.

6. In the result I find that the action of the management in reducing the wages of the concerned workmen is not justified. The wages of Golok Bouri and 13 others as mentioned in the Schedule is to be protected on the basis of the last three months average pay drawn by them as piece-rated workers and they should be paid the difference of wages if they are so entitled on the basis of the calculation with effect from the date when they were brought to the Roll of time-rated workers.

This is my award.

N. K. SAHA, Presiding Officer

ANNEXURE TO FOC PART-II REPORT  
LIST OF WORKMEN

1. Colok Bouri.
2. Sonama Majhian.
3. Malomoti.
4. Banha Nayak.
5. Sobran Dusadh.
6. Sukar Khaira.
7. Lata Devi.
8. Kalamoni Bouri.
9. Sishu Bouri.
10. Mahadeo Rauth.
11. Darsmati Chowhan.
12. Aghanmoti.
13. Shayam Kumar.
14. Gobardhan Dusadh.

Sd./-

S. K. PATHAK, Asstt. Labour Commissioner,  
(Central) Asansol-1.

नई दिल्ली, 9 जुलाई, 1993

का.प्रा. 1658:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नियमनपुर सेंट्रल वर्कशॉप के प्रवन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-7-93 को प्राप्त हुआ था।

[संख्या एल-22012/465/91-आई गार (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 9th July, 1993

S.O. 1658.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Neamatpur Central Workshop and their workmen, which was received by the Central Government on 7-7-1993.

[No. L-22012/465/91-IR (C-II)]

RAJA LAL, Desk Officer



## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL, ASANSOL

Reference No. 25/92

## PRESENT :

Shri N. K. Saha, Presiding Officer.

## PARTIES :

Employers in relation to the Management of Neamatpur  
Central Workshop of M/s. E.C. Ltd.

## AND

Their Workmen.

## APPEARANCES :

For the Employers—Sri B. N. Lala, Advocate.

For the Workmen—Sri Samiran Chakravorty, Represent-  
ative of Union.

INDUSTRY : Coal

STATE : West Bengal

Dated, the 24th June, 1993

## AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, has referred the following disputes to this Tribunal for adjudication vide Ministry's Order No. L-22012/465/91-IR (C-II) dated the 9th June, 1992.

## SCHEDULE

"Whether the action of the Agent, Neamatpur Central Workshop, E.C. Ltd., P.O. Sunderchak, Dist. Burdwan, in not placing in Cat. I and not paying wages of Cat. I as per NCWA-II and III for the period from December, 1985 to 31-10-89 to S/Shri Pabitra Kumar Roy and 17 others (list enclosed at Annexure) dependants of employees is justified? If not, to what relief is the concerned workmen entitled to?"

2. The case of the union in brief is that according to the provisions of NCWA-II (National Coal Wage Agreement) the management agreed to give employment to the dependants of the employees of M/s. Eastern Coalfields Ltd., who died in harness or took voluntary retirement on medical ground with effect from 1-1-1979. Accordingly from 1-1-1979 to 31-12-84 the management gave direct employment to such dependants of the employees in Category I. The present 18 workmen are educated persons and the such dependants of deceased employees of Eastern Coalfields Ltd. They were given appointment as Trainees at a lump pay/stipend of Rs. 400 per month and this system continued from 1-1-85 to 31-10-89. There was a meeting of J.B.C.C.I. on 19-10-89 and then the system was again changed and the management started to give employment to such dependants of deceased employees directly in Category-I.

The Present workmen raised dispute claiming that they should be deemed as Category I employees for the training period. But the attempts of conciliation failed. The matter was sent to the Ministry of Labour, Government of India and ultimately the Ministry of Labour has sent the dispute to this Tribunal for adjudication.

3. The management has filed written objection contending inter-alia that the present union has no representative character and locus-standi to raise the dispute as the present workmen were members of another union under the INTUC. Secondly it has been contended from the side of the management that the case with respect to the workmen named in Sl. Nos. 1, 4, 10, 15 and 16 (5 persons) is not maintainable as they joined the service of Neamatpur Central Workshop after completing their period of training elsewhere. The management has further stated that all the persons named in this Reference were duly appointed as Apprentice and they accepted the said appointment at a lump pay/stipend of Rs. 400 per month. So they are not entitled to get any relief in this case. The management has also denied all the material averments made by the union in its written statement.

4. At the very outset Sri B. N. Lala the learned Advocate for the management has urged before me that the present union has no representative character and locus-standi to raise the dispute on behalf of the present workmen. In support of his contention he has relied upon the letter written by Sri Prabhakar Goswami the General Secretary of the Colliery Mazdoor Union affiliated to INTUC (Ext. M-1). In that letter it has been claimed that all the 18 workmen covered by this Reference are members of that union and the rival union had no locus-standi to raise the dispute. This letter was addressed to A.L.C. (C) Asansol. On the other hand the contesting union has filed all the relevant documents to show that the present 18 workers were members of the contesting union affiliated to CFU and proper resolution was taken to raise the dispute. Considering the documents filed by the parties at best it can be held that the present 18 workmen were members of both the unions. But it cannot be said that the present contesting union had no locus-standi to raise the dispute on behalf of the present workmen. The management could not show me anything which prohibits any workman to become member of two rival unions. So considering all the materials on record and the facts and circumstances I find that the contesting union had the locus-standi to raise the dispute on behalf of the workmen and it has the representative character. The dispute was legally raised under the provisions of the I. D. Act. So I find that the objection raised by the management on this score is not sustainable.

5. Sri B. N. Lala the ld. Advocate for the management has urged before me that the 5 workmen named in para 5 of the written statement were not Trainees under the Neamatpur Central Workshop. So the case with respect to these 5 workmen is not maintainable. The management has given specific date of their joining at Neamatpur Central Workshop. Sri Samiran Chakravorty the learned representative of the union with his usual fairness conceded on this point. So considering the materials on record and the facts and circumstances I find that the case with respect to the 5 workmen named in Sl. Nos. 1, 4, 10, 15 and 16 are not maintainable.

6. Admittedly according to the terms of NCWA-II the management employed the educated dependants of employees of Eastern Coalfields Limited who died in harness or took voluntary retirement directly in Category I w.e.f. 1-1-79 to 31-12-84. It is also admitted that the management unilaterally changed that system and from 1-1-85 to 31-10-89 appointed such dependants of deceased employees as Trainees on a monthly pay/stipend of Rs. 400 per month each. It is also admitted that after J.B.C.C.I. meeting on 19-10-89 (Ext. M-15) the system which was prevailing on or before 31-12-84 was re-introduced and such dependant members of deceased employees were again directly appointed in Category I.

Admittedly all the present 13 workmen are educated persons and dependants of employees who died in harness or took voluntary retirement. They were given appointment as Trainees in between 1-1-85 to 31-10-89. They have claimed that they should be treated as Category I employees for the period so long they worked as Trainees. It has been contended from the side of the union that they were illegally appointed as Trainees violating the norms of appointment as provided in NCWA.

Sri B. N. Lala the ld. Advocate for the management has urged with all force that the present workmen are estopped from claiming any relief as they accepted the appointment as Trainees and so worked. He has urged before me that the management unilaterally introduced the system of directly appointing such dependants in Category I w.e.f. 1-1-79 and that continued upto 31-12-84. Thereafter the management unilaterally changed the system and appointed the present workmen as Trainees. He has urged before me that as the workmen worked under the terms of appointment letter, they cannot get any relief. With due respect to his contention I like to say that the trade unions have been given the right to come forward to protect the interest of the working community. In the instant case no doubt the management unilaterally introduced the system of directly appointing such dependants in Category I. But as soon as they did so it became the vested right of the employees as a class and in my opinion the management had no right to change the said system unilaterally without consulting the trade unions. I find that the management was compelled to re-introduce the system after the meeting of J.B.C.C.I. held on 19-10-89 (Ext. M-15).



7. So considering the entire back grounds of the present case and the facts and circumstances I find that the management violated the norms in appointing the present workmen as Trainees and the present workmen were denied social and natural justice. So I find that the present workmen should be deemed as Category I employees for the period so long they worked as Trainee.

8. In the result I find that the action of the management in not placing the present workmen in Category I from their date of appointment and not paying the wages of Category I for the so called training period is not justified. All the present 13 workmen viz. S/Sri Malay Mondal, Md. Zahid, B. P. Mukherjee, Subhasis Mallik, A. K. Verma, Debasis Banerjee, Zeenat Choudhury, Paramananda Ghosh, Santi Mukherjee, Subhas Ch. Gorai, S. N. Biswakarman, Bhairab Lala and Sasti Rani Chatterjee shall be deemed as Category I employees from the date of their appointment as Trainee and that period of training shall be treated as regular service for all purposes including seniority and promotion and they must be paid the difference of wages for that period.

9. The case with respect of 5 workmen viz. S/Sri Pabitra Kr. Roy, Gopal Chakraborty, Md. Ali Raja, Sadham Chakraborty and B. R. Kushwaha is not maintainable as they did not work as Trainee under the Neamatpur Central Workshop during the relevant period.

This is my award.

N. K. SAHA, Presiding Officer

#### ANNEXURE

Annexure to terms of reference

1. Pabitra Kr. Roy,
2. Malay Mondal,
3. Md. Zahid,
4. Gopal Chakraborty,
5. B. P. Mukherjee,
6. Subhasis Mallik,
7. A. K. Verma,
8. Debasis Banerjee,
9. Zeenat Choudhury,
10. Md. Ali Raja,
11. Paramananda Ghosh,
12. Santi Mukherjee,
13. Subhash Ch. Gorai,
14. S. N. Biswakarman,
15. Sadham Chakraborty,
16. B. R. Kushwaha,
17. Bhairab Lala,
18. Sasti Rani Chatterjee.

Sd/- S. K. PATHAK, Asstt. Labour Commissioner (C)  
Asansol-I

नई दिल्ली, 9 जुलाई, 1993

का.प्र. 1659—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सैन्ट्रल बैंक आफ इंडिया के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक 1580 GI/93—8.

अधिकरण, कानपुर के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-7-93 को प्राप्त हुआ था।

[संख्या एल-12012/76/92-आई आर (बी-II)]

एच. सी. गोड़, हेडक् अधिकारी

New Delhi, the 9th July, 1993

S.O. 1659.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Central Bank of India and their workmen, which was received by the Central Government on 9-7-1993.

[No. L-12012/76/92-IR (B-II)]

H. C. GOUR, Desk Officer

#### ANNEXURE

BEFORE SRI ARJAN DEV, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 79 of 1992

In the matter of dispute :

#### BETWEEN

The General Secretary,  
Central Bank Staff Association,  
Deepak Talkies Gate,  
CK 37/44-C Bansphatak,  
Varanasi.

#### AND

Zonal Manager,  
Central Bank of India,  
Akashdeep 23 Vidhan Sabha Marg,  
Lucknow.

#### AWARD

1. The Central Government, Ministry of Labour, vide its Notification No. L-12012/76/92 dated 24-6-92 has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Central Bank of India in not granting promotion to Sri S. P. Pathak Clerk, Khajuwā Bazar Branch, Varanasi as per seniority list No. 1 as on 1-1-88 was justified ? If not, to what relief is the workman entitled ?

2. In this case no statement of claim was filed till 18-6-93, despite the fact that several dates had been allowed to the Union. I may state here that on none of the dates fixed in the case between 28-8-92 and 18-6-92, representative for the Union appeared. Rather from the side of the Management, its representative appeared in the case on some of the dates such as on 2-11-92, 13-4-93 and 18-6-93.

4. Therefore, from the above it appears that the Union is not interested in prosecuting the case on behalf of the workman. As such in the circumstances of the case it is a fit case where a no claim award should be given.

5. In view of the above a no claim award is given against the Union.

6. Reference is answered accordingly.

Dated : 30-6-1993.

ARJAN DEV, Presiding Officer

नई दिल्ली, 9 जुलाई, 1993

नई दिल्ली, 9 जुलाई, 1993

का.मा. 1660.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, एनियुन बैंक ऑफ इंडिया के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 9-7-1993 को प्राप्त हुआ था।

[मं. एल-12012/177/92 आई आर (बी-II)]

एच.सी. गौर, डेस्क अधिकारी

New Delhi, the 9th July, 1993

S.O. 1660.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Union Bank of India and their workmen, which was received by the Central Government on 9-7-1993.

[No. L-12012/177/92-IR (B-II)]

H. C. GOUR, Desk Officer

## ANNEXURE

BEFORE SRI ARJAN DEV, PRESIDING OFFICER  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 131 of 1992

In the matter of dispute :

## BETWEEN

General Secretary,  
Union Bank Staff Association (U.P.)  
46 Model Houses,  
Lucknow-226019.

## AND

Assistant General Manager,  
Union Bank of India,  
Hotel Awadh, Clerk Building,  
8-M. G. Marg,  
Lucknow-226019.

## AWARD

1. The Central Government Ministry of Labour, vide its Notification No. L-12012/177/92-IR (B-II) dated 28-10-92, has referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the management of Union Bank of India in not paying Daftari Allowance from 12-11-82 to Shri Indra Sen Ram is justified? If not what relief the workman is entitled to?”

2. In this case till 14-6-93 no claim statement was filed, despite giving of several opportunities to the Union for the same. However, from the order sheet it appears that on 11-2-93 and on 12-4-93 management representative appeared on 12-4-1993 on the application of the Union the case was adjourned to 14-6-93, but on 14-6-93 neither the statement of claim was filed nor any body appeared for the Union. It therefore, appears that neither the Union nor the workman is interested in the case. As such a no claim award is given against the Union.

3. Reference is answered accordingly.

ARJAN DEV, Presiding Officer

का.मा. 1661.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, भारतीय जीवन बीमा निगम के प्रबन्धतंत्र से संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बम्बई के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 7-7-93 को प्राप्त हुआ था।

[संख्या एल-17011/1/86-डी-IV (ए)]

हरीश भांडे, डेस्क अधिकारी

New Delhi, the 9th July, 1993

S.O. 1661.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workmen, which was received by the Central Government on 7-7-1993.

[No. L-17011/1/86-D.IVA]

H. C. GOUR, Desk Officer.

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT :

Shri P. D. Apshankar, Presiding Officer.  
Reference No. CGIT-2/36 of 1987

PARTIES :

Employers in relation to the management of  
Life Insurance Corporation of India

## AND

Their workmen.

APPEARANCES :

For the Management.—Shri P. M. Palshikar,  
Advocate.

For the Workmen.—Shri M. P. Patwardhan,  
Representative.

INDUSTRY : Insurance STATE : Maharashtra  
Bombay, dated the 11th June, 1993

## AWARD

The Central Government by their Order No. L-17011/1/86-D.IV(A) dated 18-6-1987 have referred the following Industrial Dispute to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947.

"Whether the action of the management of Life Insurance Corporation of India in refusing payment of overtime allowance w.e.f. 1-1-1975 to the Jeep and Mobile Van Drivers employed in their Satara Division for remaining on duty beyond 8 hours a day on the ground that intermittent gaps between spells of driving should be excluded from the duty hours, is justified and legal? If not, to what relief are the concerned workmen entitled?"

2. The case of workmen in question as disclosed from the statement of claim (Ex. 2) filed on their behalf by the General Secretary of the Satara Division Insurance Workers' Organisation, in short, is thus :—

The workmen in question are Jeep/Mobile Van Drivers working in the permanent employment of the LIC, Satara Division. The Jeep and Mobile Drivers working in LIC of India, Satara Division, were getting the overtime wages for the period of duty done by them in excess of eight hours till December, 1974 as per the provisions of LIC of India Staff Regulations, 1960, read with clause 12 of Establishment Manual dated 29-3-1968. The wording of Clause 12 on page 256 of Establishment Manual is as follows :

"Overtime will be allowed only for the number of hours for which they are required to drive the jeep or mobile van in excess of eight hours."

However, from January, 1975 onwards the management has stopped to pay overtime allowance by interpreting wrongly the said provision on the basis of the Circular ZD/211/ASP/71 dated 9-11-1971. As per this wrong interpretation; the intermittent gaps between spells of driving jeep and mobile vans, drivers were excluded from computing the number of hours worked by them, and thereby they were deprived of the necessary overtime allowance, even though they had worked for more than 16 hours a day on a number of days. As per the wrong interpretation of the said Circular dated 9-11-71 the payment of the necessary overtime allowance has been stopped by the management from January, 1975, even though in spite of that Circular dated 9-11-1971, the overtime allowance was being paid to the drivers from 9-11-1971 to 30-12-1974. Further the provisions of the Motor Vehicles Act do not provide for the exclusion of the intermittent gap. As per the LIC Amendment Act, 1981, the service conditions of Class III and Class IV employees of the LIC have been changed by the Notification dated 11-4-1985. This notification also does not mention about any change in computation of duty hours of jeep/mobile van drivers. Therefore, the said Circular dated 9-11-1971 which denied the overtime allowance from 1-1-1975 to 31-3-1983, and the subsequent provisions contained in

Clause 7 of the management Circular dated 19-4-1985 in the "Green Book" are illegal and void ab initio. The workmen, therefore, lastly prayed that the management of the LIC of India, Satara Division, be directed by this Tribunal to pay the necessary overtime allowance to the Jeep/Mobile Van Drivers of their Division for the number of hours of their work in excess of 8 hours a day for the period from 1-1-1975 to 31-3-1983, as per the provisions of LIC of India Staff Regulations, 1960, and those workmen be paid the overtime allowance for the work done in excess of 8 hours a day from 1-4-1983 onwards as per the LIC of India Class III and Class IV Employees (Revision of Terms and Conditions of Service) Rules, 1985, with interest thereon.

3. The LIC of India, Western Zone, Bombay, by their written statement (Ex. 3) contested and opposed the said claim of the said union, and in substance contended thus :

The present reference is misconceived, not tenable in law, is bad in law, and no industrial dispute exists in fact and in law in the present case. The existing provisions regarding the payment of the overtime allowance are determined in accordance with instructions issued under Regulation 4 of the Staff Regulations applicable to the employer of the LIC and they have statutory force and they cannot be amended by raising an industrial dispute. The demand for the payment of overtime allowance w.e.f. 1-1-1975 is stale and belated claim. The demand in question is not in effect for the adjudication of an industrial dispute, but it is in effect for the interpretation of the relevant circulars, and notification. Such a matter cannot be the subject matter of a reference under Section 10(1)(d) of the I.D. Act.

4. The LIC management further contended thus :

In exercise of the powers conferred by the Sub-section (2) of Section 11 of the LIC Act, the Central Government passed an Order on 1-6-1957 regarding the "Hours of Work" of the LIC (Staff) Regulations, has framed the LIC (Staff) Regulations, 1960, defining the terms and conditions of its employees. These regulations provided that the corporation may grant overtime allowance to an employee belonging to Class III or Class IV who is required to work on Sunday or holidays, or to put in extra hours of work on week days in connection with the corporation's work, subject to the provisions of local enactments. In the year 1981, the LIC Act, 1956 was amended by which the staff regulations and other provisions relating to the terms and conditions of service of the employees of the corporation shall be deemed to be the Rules made by the Central Government under Section 48 of the said Act. Consequently, the regulations and other provisions relating to the terms and

conditions of service shall also have effect notwithstanding anything contained in the Industrial Disputes Act, 1947, or any other law, or any agreement, settlement, award or other instruments for the time being in force. The amendment thus also empowered the Central Government to exercise the powers under Section 48 notwithstanding anything contained amongst others, in the Industrial Disputes Act, 1947, or any other law, agreement, or settlement, or award in force. These Regulations have the force of law, and are statutory in effect.

5. The management of LIC further contended thus :

The Chairman of the LIC, in exercise of the powers conferred upon him, issued instructions from time to time for the implementation of the Staff Regulations. As per these instructions, the overtime allowance will be allowed only for the number of hours for which the Drivers are required to drive the Jeep or Mobile Van in excess of 8 hours. In the year 1970 a settlement was arrived between the various employees' unions on the one hand, and the corporation on the other hand, on the basis of Charters of Demands submitted by them, which however, did not include any demand relating to the payment of overtime allowance to Jeep and Mobile Van Drivers. However, it was agreed to pay the discomfort allowance of Rs. 30/- per month w.e.f. 1-9-1971 to the Jeep and Mobile Van Drivers for the work done by them after the scheduled 8 hours of work in a day. The conditions of the above said Circular dated 1-9-1971 regarding the payment of the discomfort allowance came to be revised by the corporation's Circular dated 10-7-1973. In the year 1974 two settlements came to be entered by the various unions of the LIC employees on 24-1-1974 and 6-2-1974. The present workmen are bound by the terms of the settlement dated 24-1-1974. The payment of overtime allowance to the workmen at all material times was and is still regulated by the following provisions of the corporation's Establishment Manual, which are a compilation of the instructions issued under Regulations (4) of the (Staff) Regulations from time to time.

"Jeep and Motor Drivers' overtime be allowed only for the number of hours for which they were required to drive the Jeep or Mobile Van, in excess of 8 hours."

In the year 1985 the Central Government issued a notification regarding the increase of discomfort allowance to Rs. 3/- per day subject to maximum of Rs. 45/- per month. For the hardships suffered by the Jeep and Mobile Van Drivers, they are duly compensated by the payment of the discomfort allowance. besides the daily

allowance and the travelling allowance and regular wages for their regular duty allowance.

As regards the allegation of the union that the Jeep and Mobile Van drivers were paid the overtime allowance for the work done by them in excess of 8 hours till December 1974, the management of the LIC contended that the said overtime allowance was being paid through inadvertence, and was being paid contrary to the provisions relating to the overtime allowance. It is not true that the LIC circular dated 19-4-1985 is illegal or null and void. It is the practice of the LIC not to maintain the log book for the period of more than 5 years. Therefore the log books of the period in question are not in the custody of the LIC. The claim of the workmen is stale and belated. The LIC management, therefore, lastly prayed for the rejection of the prayer of the workmen for the overtime allowance of the period from 1-1-1975 and from 1-4-1983.

6. The issues framed at Ex. 4 are :

1. Whether the reference in question is misconceived, bad in law, and is not maintainable and that no industrial dispute, as contemplated under the Industrial Disputes Act exists between the workman and the LIC regarding the payment of overtime amount ?
2. Whether the workman are not entitled to claim the overtime allowance in question in view of the settlement dated 24-1-1974 between the present union of the workmen and the LIC ?
3. Whether the workmen are entitled to the payment of the overtime allowance in question of the period 1-1-1975 to 31-3-1983 ?
4. Whether they are entitled to the payment of the overtime allowance in question due from 1-4-1983 and onwards ?
5. Whether the action of the management of Life Insurance Corporation of India in refusing payment of overtime allowance w.e.f. 1-1-1975 to the Jeep and Mobile Van Drivers employed in their Sa'ara Division for remaining on duty beyond 8 hours a day on the grounds that intermittent gaps between spells of driving should be excluded from the duty hours, is justified and legal ?
6. If not, to what relief are the concerned workmen entitled ?

7. What Award ?

7. My findings on the said issues are :

1. Not misconceived, industrial dispute exists.
2. Are entitled.

3. Yes.
4. Yes.
5. No.
6. As per Award below.
7. As per below.

### REASONS

#### Issue No. 1 :

8. Shri A. B. Deshpande, the General Secretary, of the union in question, filed his affidavit (Ex. 27) in support of the case of the workmen in question, and he was cross examined on behalf of the management. Shri A. G. Kirtikar, Administrative Officer of the LIC, filed his affidavit (Ex. 29) in support of the case of the management of the LIC, and he was cross examined on behalf of the workmen.

9. Ex. 9 is the copy of the LIC Staff Regulations. It is seen there from that the rate of Discomfort Allowance payable to the Jeep and Mobile Van drivers is Rs. 3 per day, subject to the maximum of Rs. 45 per month. Ex. 18 is a copy of the Circular dated 9-11-1971 issued by Executive Director of the LIC. This Circular states that overtime allowance cannot be paid to the Mobile Van drivers and Jeep drivers on par with the Staff Car drivers. It is further seen from this Circular that the Mobile Van and Jeep drivers will be paid overtime allowance only when they actually drive the vehicles beyond 8 hours.

10. According to the management, the present reference is misconceived, bad in law, and not maintainable and no industrial dispute as contemplated under the Industrial Disputes Act exists between workmen and LIC regarding the payment of overtime amount. However, I find that it is not so. As regards the present industrial dispute referred to this Tribunal, the Central Government was of the opinion that industrial dispute existed between LIC of India and their workmen, or it was apprehended, and hence that Government referred that dispute to this Tribunal for adjudication under Section 10(1) (d) of the Industrial Disputes Act. As such, the present reference cannot be considered as misconceived or bad in law. As per Section 2(k) of the Industrial Disputes Act, "Industrial Dispute" means any dispute or differences between the employer and workmen, which is connected with the terms of employment, or with the conditions of labour of any person. In the present case, according to the management, the Jeep and Mobile Van Drivers are not entitled to the overtime allowance when they do not actually drive vehicles beyond 8 hours. According to the workmen in question, they are entitled to the overtime allowance for the work done by them beyond normal duty of 8 hours per day, irrespective of the fact that they actually drive vehicles after the normal 8 hours duty. Therefore, this question relates to the condition of the labour of the workmen, and as such that question falls within the purview of the definition of the term "industrial dispute". Therefore, an industrial dispute existed between workmen in question and the LIC regarding the payment of overtime amount. Issue No. 1 is, therefore, found accordingly.

#### Issue No. 2 :

11. Ex. 19 is a copy of the Memorandum of Settlement dated 24-1-1974 entered into between LIC of India and All India Associations and Federations of the workmen. According to the management, in view of this settlement entered into under Section 18 read with Section 2(p) of the Industrial Disputes Act, the workmen in question are not entitled to claim the amount of overtime allowance, as claimed by them. However, it is seen from that settlement that the demand in question was not then discussed between the parties, and as such, that demand was neither granted nor rejected. Therefore, I find that the settlement dt. 24-1-1974 and also other settlement of 6-2-1974 (Ex. 20) do not prohibit workmen from claiming the amount of overtime allowance of the period as claimed by them. Issue No. 2 is, therefore, found accordingly.

#### Issues Nos. 3, 4 & 5 :

12. Admittedly overtime allowance is paid to the Jeep and Mobile Van drivers whenever they drive vehicles during the period beyond their normal 8 hours of working. However, in the present case the workmen in question have claimed the overtime allowance when they are not actually driving the vehicles, but at the same time they are not relieved of their duty on that particular day. It is true that they are paid the discomfort allowance and travelling allowance etc. However, I find that even if the Jeep and Mobile Van drivers do not actually drive vehicles during the period beyond their normal working hours, still they are entitled to the overtime allowance, as claimed by them, till they are actually relieved of their duty and the vehicles on that particular day or night. Even if the workmen in question do not actually drive the vehicles at any time, still they are not relieved of their duty. Even if they do not drive the vehicles actually, they are expected to be near about the vehicles, and they cannot attend to their personal work during that period. Therefore, the workmen in question are entitled to the overtime allowance of the period when they are not actually driving the vehicles but are on the duty and are not relieved of their duty on that particular day or night. Therefore, the action of the management of the LIC in question is not just and proper. Issue No. 5 is, therefore, found in the negative, and Issues Nos. 3 and 4 are found in the affirmative.

13. In the result, the following Award is passed :

#### AWARD

The action of the management of Life Insurance Corporation of India in refusing payment of overtime allowance w.e.f. 1-1-1975 to the Jeep and Mobile Van drivers employed in their Satara Division for remaining on duty beyond 8 hours a day on the ground that intermittent gaps between spells of driving should be excluded from the duty hours, is not just, proper and legal.

The workmen in question are entitled to the overtime allowance whenever they are on duty beyond their normal 8 hours, irrespective of the fact whether they actually drive the vehicles or not, till they are relieved of their work for that day or night.

The management of the LIC to make necessary calculations and to pay arrears of the overtime allowance due from 1-1-1975 to the workmen within three months.

Out of six workmen in question, the workman L. A. Thorat is now dead. Hence, the necessary amounts to be paid to his legal heirs.

The parties to bear their own costs of this reference.

P. D. APSHANKAR, Presiding Officer

11th June, 1993

नई दिल्ली, 9 जुलाई, 1993

का.मा. 1662.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बैंक आफ महाराष्ट्र के प्रबन्धसूत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई के पंचपट को प्रकाशित करते हैं, जो केन्द्रीय सरकार को 7-7-93 को प्राप्त हुआ था।

[संख्या एन-12012/140/89-डी 2(ए)]

हरीश गौड़, डेस्क अधिकारी

New Delhi, the 9th July, 1993

S.O. 1662.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Maharashtra and their workmen, which was received by the Central Government on 7-7-1993.

[No. L-12012/140/89-D. II(A)]

H. S. GOUR, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY

PRESENT :

Justice Shri R. G. Sindhakar, Presiding Officer.

Reference No. CGIT-1/41 of 1989

PARTIES :

The Employers in relation to the Management of Bank of Maharashtra, Solapur

AND

Their workmen.

APPEARANCES :

For the employer—Shri R. M. Samudra,

Representative.

For the workmen—Shri V. D. Karmarkar,

General Secretary,  
Bank of Maharashtra  
Karmachari Sangh.

INDUSTRY : Banking

STATE : Maharashtra

Bombay, dated the 16th June, 1993

#### AWARD

By order dated 26th September, 1989 the following reference has been made to this Tribunal under section 10(1)(d) of the Industrial Disputes Act, 1947.

"Whether the action of the management of Bank of Maharashtra in relation to its P.G. Branch, Solapur, for intending to recovery of Rs. 2610 towards payment of working as a sweeper as well as sub-staff for the period November 1982 to April 1984 for 393 days and not making the payment of bonus on this amount is justified? If not, to what relief is the workman entitled?"

Notices were issued to the Bank of Maharashtra Karmachari Sangh and to the Bank of Maharashtra.

Statement of claim has been filed by Shri Karmarkar, General Secretary, Bank of Maharashtra Karmachari Sangh and reply thereto is filed by the Deputy General Manager Shri R. B. Brahme on behalf of the management. Rejoinder is filed by Shri Karmarkar.

It is not disputed that Shri Bansode was working as a part-time sub-staff (Sweeper) at the P.G. Branch, Solapur on 1/3rd actual wages as per the bi-partite settlements. He was being appointed as temporary full time sub-staff at P.G. Branch in the absence of or in leave vacancy of full time regular sub-staff. According to him he had worked in both the capacities namely, part-time sweeper and full time sub-staff during the relevant period between November 1982 and April 1984 for a total period of 393 days in both the capacities. He, therefore, claimed overtime wages which was not paid to him for the period in which he worked in both the capacities. Since he did not get any relief, he made a representation to the management for the same and in the month of October 1987, the Branch Manager, P.G. Solapur sent a letter to the Regional Manager accepting the fact that Shri Bansode had worked both as sweeper as well as sub-staff and recommended his claim for overtime wages and asked guidance of the Regional Manager. The Regional Manager informed the Branch Manager P.G. Solapur that Mr. Bansode was not entitled to overtime wages but was entitled to get salary of sweeper and advised the Branch Manager to pay salary of sweeper through the Station Road Branch after ascertaining the period stated in Bansode's letter.

After ascertaining the entire details, the management through its Station Road Branch paid a sum of Rs. 2610.48 to Mr. Bansode.

Mr. Bansode, thereafter, claimed bonus on the said amount of Rs. 2610.48, and the Branch Manager P.G. Solapur recommended his claim. However, instead of making the payment of bonus to Mr. Bansode, he was called upon to show cause why the amount paid earlier (Rs. 2610.48) should not be recovered and why disciplinary action should not be taken against him on the ground that he had misrepresented at the time of making his original claim. The Union, therefore, contended that this action of the management was to be held unjust and asked for the reliefs.

The management admitted that Mr. Bansode was working as part-time sweeper at P.G. Solapur Branch of the Bank and was required to work as full time sub-staff in the leave vacancies etc., during the period in question. It was further submitted that during this time he has paid salary of ordinary full time sub-staff. Further he claimed salary for the work done as a part-time sub-staff (sweeper) and the same was wrongly paid on the basis of the mis-representation of the claim. The contention is, that he did not disclose that he never worked in both the capacities for the required hours, i.e. 9 hours per day. It is stated that he worked for 7 hours only per day and therefore was not entitled to get the wages as part-time sweeper in addition to the wages as full time sub-staff. It is under these circumstances that the amount of Rs. 2610.48 paid to him to which he was not entitled. The claim for additional bonus on that payment therefore, is also not tenable. The claim therefore, is to be rejected.

In the rejoinder, the Union has stated that it was not correct to say that Shri Bansode was wrongly paid the wages, and that he worked only for 7 hours a day.

On behalf of the workman, documents have been produced in support of his claim. On behalf of the management, two affidavits have been filed, one of Shri Mutha, the then Accountant, and the other of Shri Joshi, Branch Manager Phalton Galli, Solapur. They have been cross examined by Shri Karmarkar, on behalf of the workman. A copy of the letter addressed to the Regional Manager by the Branch Manager dated 17-05-1988 is also produced on record.

In this case, the payment of Rs. 2610.48 has been already made to the workman and the workman has now claimed bonus on that amount of Rs. 2610.48. It is not disputed that the workman would be entitled to the bonus on that amount. However, the contention is that the workman is not entitled to the sum of Rs. 2610.48 and therefore, not entitled to bonus thereon. The Bank's contention is that, this amount was wrongly paid to him and that too on the basis of mis-representation made by Shri Bansode. The rival contention is that he worked as part-time sweeper and while he was doing, he was also called upon to work as full time sub-staff during the leave vacancy or absence of the permanent sub-staff. In this connection, it is to be noted that, in the statement of claim, it has been stated that Shri Bansode used to be appointed as temporary full time sub-staff at P.G. Branch, Solapur in the absence/leave vacancy of the permanent full time sub-staff. It is further stated that he had to work in both the capacities. In the course of written statement, this statement has been specifically admitted in para 3.1.

It has been admitted therein that :

"Mr. Bansode was working as a part-time sweeper at P.G. Solapur Branch and was required to work as full time sub-staff in the leave vacancy of full time sub-staff during the period in question."

It was further stated therein that "In fact he had worked only for 7 hours per day during the said period". In para 8, it is stated that the Union has cleverly avoided to mention the fact that Shri Bansode had never worked for more than 7 hours while working in both the capacities, namely, as part-time sweeper

and full time sub-staff at P.G. Branch during the period in question. It is therefore, stated that it is far below the expected working hours of 9 hours in such cases, and as such not entitled to get the sweeper's salary as claimed by Shri Bansode. It is therefore, the contention of the Bank, that if he was to be entitled to the wages of both the capacities, he had to put in 9 hours work and not 7 hours, as was done by him. It is not disputed that he worked in both the capacities, namely, as part-time sweeper and full time sub-staff.

In this connection, it would be worth-while noting the correspondence between the Branch Manager and the Regional Manager. The first document to be noted would be a representation made by the workman (Exh. W-1) to the Regional Manager Bank of Maharashtra. In that Representation, he has specifically stated that he had worked in both the capacities and therefore, entitled to the sweeper's salary. He has also stated that he worked from 7 a.m. till the closing hours of the Bank. Exhibit W-2, is a letter addressed to the Regional Manager by the Branch Manager. Therein, the Branch Manager has made a reference to the application and further stated :

"However, since the Bank has accepted the fact of his having work as both sub-staff and as sweeper on the same day/s. It is quite likely therefore, that the payment would have to be made by excluding the one already effected from time to time as per established practice/usage."

It was further stated that the number of days claimed in his application would have to be scrutinised. He requested for guidance stating that the matter involves some policy decision. This, the Regional Manager replied by his letter dated 13-10-1987. It is specifically mentioned therein that, this letter as well as the letter of Shri Bansode dated 08-10-1987 were read. He further stated that :

"It appears from the correspondence, that when he was a sweeper, he has also worked as a sub-staff for a total period of 393 days from November 1982 to April 1984."

It is further stated that he has claimed overtime wages for working as a sub-staff being a sweeper. This claim however, was not acceptable, but, he stated that he was entitled to get salary of sweeper for the days he has actually worked as sweeper. It was further directed to pay the salary of the sweeper through the Station Road Branch, only after ascertaining the period stated in his letter. It is evident therefore, that the Regional Manager informed his decision to pay the salary of the part-time sweeper's work he had done, which is 1/3rd of his scale wage for the part-time work. All that was required to be done was to ascertain the period. Therefore, to me, it appears that the only point was whether he was entitled to overtime wages or the salary of the sweeper. There was no difficulty whatsoever as to the number of days he worked as sub-staff as well as sweeper. The number of hours for which he worked was also never in dispute, nor was any objection raised in that behalf when Mr. Bansode in his letter dated 09-09-1987 (exhibit W-1) stated that he worked from 7 a.m. to the closure of the Bank. Thus, this aspect remained undisputed.

It appears that, accordingly, after scrutinising the period for which he worked in both the capacities, he

was paid the sum of Rs. 2610.48. Therefore, the workman claimed bonus as per the provisions of the Bonus Act, on this amount of Rs. 2610.48, and when this claim was made, the point was raised that he was not entitled to the amount already paid to him, namely, Rs. 2610.48. Now in the written statement, it is contended that the workman worked only for 7 hours and not for 9 hours, and therefore, not entitled to the wages. As stated earlier, the workman had stated in his letter dated 09-09-1987 that he worked right from 7.00 a.m. till the closure of the Bank. The contention that he worked only for 7 hours, and not for 9 hours, will therefore have to be rejected in view of the discussion above. The question is, whether any written instructions have been given to Mr. Bansode, instructing him to work only for 7 hours a day. On behalf of the Bank, affidavit of Shri Mutha, the then Accountant, P.G. Branch Solapur has been filed. It has been stated in his affidavit that he worked in P.G. Branch from February, 1981 to June 1985, while he was so working at P.G. Solapur Branch,

"As per my knowledge, in the capacity of an Accountant, Shri A. R. Bansode has worked as sweeper and sub-staff in the leave vacancy and absence of permanent staff, and he has worked only for 7 hours per day."

He has been cross examined on behalf of the workman. During the course of the cross examination, he admitted that, on 1/3rd wages the sweeper has to work for 2 hours a day, and the sub-staff's duty hours are 7 hours a day. The duties of the sweeper are to clean the premises and to fill water etc. Whereas, the duties of the sub-staff are to carry the records, dust the counters etc., as per the instructions of the superiors. The sweeper's and the sub-staff's duties are mutually exclusive. Bank's working hours are from 11.00 a.m. to 6.00 p.m. and that of the sweepers from 7.30 a.m. to 9.30 a.m. He admitted that Mr. Bansode was asked to work as sub-staff and that was in the place of full time sub-staff employee. He admitted in his cross examination that apart from his evidence, there was no documentary evidence to say that the workman was asked to work only for 7 hours a day. He thereafter admitted that the management had not given any written instructions to Mr. Bansode as to for how many hours he should work as sub-staff. It is therefore, evident that apart from his oral evidence, there is no other evidence to show that the workman Shri Bansode worked only for 7 hours.

On behalf of the Bank, Shri Sadashiv Joshi, the Branch Manager of P. G. Solapur Branch has filed his affidavit and therein it has been stated that the time muster for the period in question i.e. from November 1982 to April 1984 is not traceable. Therefore, what material that could have been collected from the time muster in support of the rival contentions is also not available. It is worth noting that the time muster for the period in question was not maintained at all. A copy of the letter addressed to the Regional Manager by the Branch Manager on 07-07-1983, is produced by the Bank and the same was shown to Mr. Joshi in the course of his cross examination, and he stated that he wrote this letter in his official capacity. It is worth noting that he admitted that Shri Bansode was working as a sweeper

during the period from 1982 to 1984, and also worked as temporary sub-staff during the period. In that letter he stated that he worked as a sweeper for "about 2 hours" every day he used to wait for "budlee" in place of regular sub-staff proceeding on leave. He was asked to work as budlee/temporary sub-staff during the period, and he was asked to work for 5 hours only. He admitted in the cross examination that the management had not given any written instructions as to for how many hours he should work while he was working as a sub-staff. Therefore, it is difficult to believe that oral instructions could have been given in this behalf. As already stated, there is no time muster available for the relevant period. I find that there was no dispute as stated earlier when he stated in his letter dated 09-09-1987 (Exhibit W-1) that he worked from 7.00 a.m. till the closure of the Bank. From the correspondence it appears that only the number of days were to be ascertained before he could be paid the sum for the work done in both the capacities. I therefore, find that this is a vain attempt to wriggle out of the situation in which the Bank has landed itself. Whenever the workman is told at about 11 a.m. about the appointment as sub-staff, it is to be presumed that before commencement of the duty hours of the sub-staff, he had done his duty of 2 hours in the capacity of a sweeper, and that he worked for full 7 hours as sub-staff. Therefore, it is difficult to believe that he was asked to work only for 5 hours instead of 7 hours.

I, therefore, find that the management's claim that it is entitled to recover the amount already paid to him is not justified.

The second part of the reference is in connection with Mr. Bansode's claim for bonus on the amount of Rs. 2610.48. So far as his claim is concerned, it is based on the payment of the sum of Rs. 2610.48. The only resistance to this claim is that since he is not entitled to the amount of Rs. 2610.48, and therefore, he is not entitled to claim bonus on that amount. In my opinion, since it has already been held that he was entitled to the sum of Rs. 2610.48, he would be entitled to the bonus thereon. It does not appear that there will be any dispute on the point of calculation of the amount of bonus payable to him on this amount. I therefore answer this reference accordingly, and hold that the action of the management of Bank of Maharashtra intending to make recovery of the amount of Rs. 2610.48 towards payment for working as a sweeper as well as a sub staff for the period from November 1982 to April 1984, was not justified, and so is the action of not making payment of bonus to the workman on that amount.

The workman is entitled to retain the amount of Rs. 2610.48 and he is also entitled to bonus on this amount, which amount of bonus, the management shall pay.

R. G. SINDHAKAR, Presiding Officer.

नई दिल्ली, 12 जुलाई, 1993

का.घा. 1663. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबन्धसंस के संबद्ध नियोक्तों और उनके कर्मचारों के बीच, अनुवन्ध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण,



कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-7-93 को प्राप्त हुआ था।

[सं. एन-12012/96/89 डी II ए]

एच. सी. गौर, डेस्क अधिकारी

New Delhi, the 12th July, 1993

S.O. 1663.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workmen, which was received by the Central Government on 9-7-93.

[No. L-12012/96/89-D II A]

H. C. GOUR, Desk Officer

#### ANNEXURE

BEFORE SRI ARJAN DEV, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 189 of 1989

In the matter of dispute between :

State Asstt. Gen. Secretary, U.P. Bank Employees Union, 36/1 Kailash Mandir, Kanpur-208001.

And

The Regional Manager, Allahabad Bank, Pandu Nagar, Kanpur-208001.

#### AWARD

##### Annexure

1. The Central Government, Ministry of Labour, vide its notification No. L-12012/96/89-D-2(A) dated 14-8-89, has referred the following dispute for adjudication to this Tribunal;

"Whether the demand of the U.P. Bank Employees Union to promote Shri Maheshwar Nath Tandon as Head Cashier, Category 'C' w.e.f. 1-1-84 and later on as Head Cashier, Category "E" at Makrandnagar Farukhabad Branch of Allahabad Bank is justified? If not to what relief is the workman entitled?"

2. In this 12-3-93 was the date for disposal of the application for summoning the record moved by the Union on 16-7-90, but he said application was rejected as one appeared for the Union on 12-3-93. However, the case was adjourned to 7-5-93 for filing of the affidavit evidence on behalf of the Union. Again none appeared for the Union on 7-5-93 nor affidavit evidence was filed. It, therefore, appears that the Union is not interested in prosecuting the case.

3. In the circumstances of the case, a no claim award is given against the Union.

ARJAN DEV, Presiding Officer

नई दिल्ली, 9 जुलाई, 1993

का.आ. 1664.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ हैदराबाद के प्रबन्धतंत्र के संबद्ध नियोक्तों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण व श्रम न्यायालय बंगलोर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-7-93 को प्राप्त हुआ था।

[संख्या एन-12012/47/90-आई थार (बी III)]

एस.के. जैन, डेस्क अधिकारी

New Delhi, the 9th July, 1993

S.O. 1664.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, cum Labour Court, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Hyderabad and their workmen, which was received by the Central Government on the 8-7-1993.

[No. L-12012/47/90-IR(BIII)]

S. K. JAIN, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, BANGALORE

Dated this 30th day of June, 1993

#### PRESENT

Shri M.B. Vishwanath, B.Sc., B.L.  
Presiding Officer

CENTRAL REF. No. 28/90

#### I Party

Smt. Sita,  
W/o A. V. Raman,  
No. 8/1,  
N. S. Iyengar Street,  
Sheshadripuram,  
Bangalore-560 020

v/s.

#### II Party

The Regional Manager,  
State Bank of Hyderabad,  
Zonal Office/Region-II,  
Super Market,  
Gulbarga-585 101.

#### AWARD

In this reference made by the Hon'ble Central Government by its order No. L-12012/47/90-IR. B.-

III Dt. 8-5-1990 under Sec. 10(1)(2A)(d) of I.D. Act the point for determination as per schedule to reference is :—

“Whether the management of State Bank of Hyderabad is justified in treating the services of Smt. Sita, Ex. Cashier-cum-clerk, Sindhanoor branch, as ‘voluntarily abandonment of service’? If not to what relief the workman is entitled to?”

2. In the claim statement it is stated :—

The I party workman was appointed as a cashier-cum-clerk on 3-8-84 in the II party bank, Sindhanoor branch. Since the husband of the I party was working at Bangalore in Indian Bank, the I party workman requested the II party management to transfer her to Bangalore. The I party for the purpose of marriage availed herself leave from 20-5-85 to 19-6-85 on loss of pay. She extended her leave till 29-6-85. The I party could not get transfer to Bangalore. She again applied for leave from 16-10-85 on loss of pay since her mother-in-law was ill. The I party workman sent telegram dated 18-10-85. She further sent a letter alongwith X-ray report of her mother-in-law on 30th October 1985 to the II party. On these grounds the I party submitted another application dt. 2-11-85 for her transfer to Bangalore. Meanwhile the I party became pregnant. Further she lost her mother-in-law on 8th February 1986. The II party management addressed the letter dated 20th March, 1985 to I party. The I party has suitably replied by this letter. The I party again prayed for transfer to Bangalore. She also prayed that her absence should be treated as on loss of pay.

3. Again from 1st June 1986 to 31st August 1986 the party workman availed herself maternity leave. The I party gave birth to a premature child on 11th June 1986. She was medically advised to be on leave for three months from 29-8-86. The maternity leave was sanctioned. The II party management finally considered the request of the I party workman for transfer. The I party workman was transferred to Rajajinagar branch of Bangalore by order dt. 22-10-86. The I party workman reported for duty at Sindhanoor branch on 4-11-86 with an intention to get herself relieved from that branch and to join the Rajajinagar branch at Bangalore. She worked for 2 days i.e., 4-11-86 and 5th November, 1986. She was not relieved. The I party workman's baby daughter developed severe dysentery and diarrhoea. So the I party was forced to go back to Bangalore to get treatment for her daughter. The child became alright by 14th November 1986. The I party received a letter from the Regional Office of the II party asking her to join duty on 17-11-86. This letter ‘arrived’ on the evening of 17-11-. So she could not join on 17th November 1986. I party reported for duty on 19th November 1986 and worked upto 22-11-86. The husband of the I party workman explained to the Regional Manager the problems faced by his wife (I party). The assurance was given about relieving the party from Sindhanoor branch. The I party and her husband could not afford to continue to live in Sindha-

noor in a lodge. The I party workman had to return to Bangalore.

4. The I party workman wrote a letter to the II party management on -12-86 (Sic) and requested the II party to consider period of absence from 6th November 1986 to 25th November 1986 as leave on loss of pay. The II party did not reply to this letter. To the stock and surprise of the I party, the II party issued the office order dt 7-1-87, cancelling transfer order made on 22nd October 1986. The I party further issued the letter dt. 10th January 1987 to I party, asking her to report for duty at Sindhanoor branch 28-1-87. For the reasons already stated the I party could not report for duty. Thereafter the II party issued the letter dt. 8th May 1987 alleging that the I party was on unauthorised absence. The I party sent a suitable reply. Thereafter the II party issued another letter dt. 11th August 1987 alleging unauthorised absence and voluntary abandonment of service by the I party. The stand of the II party that the I party has voluntarily abandoned her services is wrong. The I party has put in 240 days of continuous service. The order of termination passed by the II party amounts to retrenchment. The conditions precedent for retrenchment have not been complied with. So the action of the II party refusal to give employment to I party on the pretext that she has voluntarily abandoned the service has to be set aside. The action of the management is thoroughly illegal. The contention of the II party that the I party has voluntarily abandoned her employment has no leg to stand on. The II party has committed unfair labour practice. The action of the II party that the I party has voluntarily abandoned the service is illegal. The I party is entitled to be reinstated, with back wages and continuity of service.

5. In the counter statement (written statement) it is contended :—

The action of the II party management in treating I party as having voluntarily abandoned the service is proper and legal. The I party was highly irregular in her attendance, causing lot of inconvenience on the back. The I party availed herself various types of leave on various grounds which are as follows :—

S. No.	Nature of leave	From	To	No. of days
1.	Extra-ordinary leave not counting for service.	20-5-85	29-6-85	41
2.	Sick leave on $\frac{1}{2}$ pay	22-7-85	12-8-85	22
3.	Ordinary leave	x6-9-85	13-10-85	28
4.	Extra-ordinary leave/Sick leave (by periodical extension)	16-10-85	31-5-86	228
5.	Maternity leave	1-6-86	29-8-86	90
6.	Applied for leave	30-8-86	3-11-86	66
7.	Applied for leave	6-11-86	18-11-86	13
8.	Applied for leave	23-11-86	Not reported back at all.	

Thus it is seen that during her two years of service, she availed herself 409 days of leave. The rea-

soms given by the I party for applying for leave are not admitted. The transfer application of the I party was not considered because such transfer could be considered only after the employee had put in 1-1/2 years of service. However on subsequent representation submitted by the I party her request for transfer was considered. She was issued with a transfer order dt. 22-10-86, posting her to Rajajinagar branch, Bangalore. But the person posted in place of I party did not reported for duty. So the I party could not be relieved from Sindhanoor branch. Further, in view of the annual closing and staff shortage, the I party could not be relieved and her transfer was cancelled. The allegation that the letter of the II party management was received by the I party on the evening of 17-11-86 and therefore she reported for duty on 19-11-86 is false. She has reported on 19th November 1986 as per her pleasure. The explanation given by I party is untenable. It is true that the II party issued letter dt. 18th May 1987. But the I party did not care to reply to it. It is false that the I party sent a reply to this letter. The I party used to absent herself from duty without prior permission or sanction of leave. The I party reported for duty for a period of 4 days and again herself from duty from 23-11-86. The I party even after receipt of the letter of the II party dt. 18th May 1987 did not report for duty. She did not send even any explanation for her absence. In accordance with para 16 of IVth B.P.S. a notice was issued to I party as per the letter dt. 18-5-1987. Even after this notice the I party did not report for duty. The Bank has come to the conclusion that the I party had no intention to serve the Bank. It should be deemed that the I party voluntarily abandoned the service. Accordingly the I party was intimated by the II party's letter dt. 11-8-87. The I party wrote through her letter dt. 5-4-88 demanding settlement of her P.F. and refund of security deposit. The order passed by the II party by its letter dated 11-8-87 is correct. The I party is not entitled to reinstatement or any other relief. She has voluntarily abandoned the service. So it is wrong to say that the II party has retrenched the services of the I party.

6. Since the point for determination is covered by the schedule to reference, no separate issue has been framed.

7. On behalf of the II party K. V. Prasad Rao, Branch Manager of the II party bank has been examined. On behalf of the I party she has not herself examined and close her case.

8. It is absolutely clear from the schedule to reference that the case of the II party bank is that the I party workman voluntarily abandoned the services. The further case of the II party is that they acted under clause XVI of the Fourth Bipartite Settlement to hold that the I party had voluntarily abandoned her services (voluntarily retired from the bank's service) and so her name was removed from the muster rolls. Clause XVI of the 4th B.P.S. says :—

“Where an employee has not submitted any application for leave and absents himself from work for a period of 90 or more

consecutive days without or beyond any leave to his credit or absents himself for 90 or more consecutive days beyond the period of leave originally sanctioned or subsequently extended or where there is satisfactory evidence that he has taken up employment in India or the management is satisfied that he has no present intention of joining duties, the management may at any time thereafter give a notice to the employee's last known address calling upon the employee to report for duty within 30 days of the notice, stating, inter alia, the grounds for the management coming to the conclusion that the employee has no intention of joining duties and furnishing necessary evidence, where available.”

When the 30 days notice as stated above issued to the employee, Clause XVI of the B.P.S. says :—

“Unless the employee reports for duty within 30 days or unless he gives an explanation for his absence satisfying the management that he has not taken up another employment or avocation and that he has no intention of not joining duties, the employee will be deemed to have voluntarily retired from the bank's service on the expiry of the said notice.”

Ex. M. 27 is the notice, purported to be under clause XVI, issued to I party workman calling upon her to report for duty within 30 days, failing which I party would be deemed to have voluntarily vacated the employment with the Bank on the expiry of 30 days. In the first part of Ex. M.27 it is clearly stated by the Bank that the I party had absented from duty unauthorisedly since 23-11-86. So 23rd November, 1986 is the starting point. The first part of clause XVI says “Where an employee has not submitted any application for leave and absents herself from work .....”. The ingredient or ingredients mentioned in clause XVI of the fourth B.P.S. have not been clearly mentioned in Ex. M.27. Ex. M.27 is somewhat vague, bearing in mind the ingredients mentioned in clause XVI. In Ex. M.27 it is not stated clearly that the I party has not submitted any application for leave, though it is stated that she was unauthorisedly absent since 23-11-86. I have set out in para 5 above the stand of the II party in the counter statement. While stating that the I party availed herself various types of leave on various grounds, at Sl. No. 8 it is clearly stated by the II party “Applied for leave from 23-11-86 and not reported back at all.” This averment of the II party clearly implies that the I party applied for leave from 23-11-86, though she did not report back to duty.

9. Ex. M.44 is the note put up by the Regional Manager against the I party for approval of the Zonal Manager. In Ex. M-44 it is clearly stated at Sl. No. 6, while mentioning the kinds of leave which the I party had availed herself and which was a sanction-

ed that the I party was sanctioned extraordinary leave (E.O.L.) from 30th August 1986 to 27th November 1986. This also says that the I party workman was granted leave atleast upto 27th November 1986. What is discussed in this para and the paras above clearly shows that the absence of I party from work from 23rd November 1986 was not unauthorised, at any rate the II party had sanctioned leave upto 27th November 1986. It cannot therefore be stated that the I party had not submitted any application from 23rd November 1986. M.W. 1 K. V. Prasad Rao-Branch Manager of the II party has stated in examination-in-chief that the I party reported for duty on 19-11-86 and worked for 4 days from 19th November 1986 to 22nd November 1986 "and again went on leave and never reported back to duty". This say of M.W.1 clearly shows that the I party went on leave from 23rd November 1986, though she did not report back to duty and though, it is not known whether she was entitled to leave or not. It cannot be said that the I party had not submitted any application for leave w.e.f. 23-11-86.

10. For the aforesaid reasons I am of opinion that one of the essential conditions, viz., not submitting any application for leave as contemplated under clause XVI of fourth B.P.S. is not established. Accordingly I hold that the II party is not justified in treating the services of I party as voluntary abandonment of service.

11. There is another lacuna in the notice Ex. M.27. It is stated in Ex. M.27, notice issued to the I party that the II party had come to understand that the I party had taken up an alternative employment or a vocation. As per clause XVI the other essential condition before holding that the employee had voluntarily retired from service is that there should be satisfactory evidence that the employee has taken up employment in India. There is absolutely no material placed by the II party to show that the I party had taken up alternative employment during the period of her absence. On this score also I hold that the II party is not justified in treating the services of the I party as voluntarily abandonment of service.

12. The Learned counsel for the II party relied heavily on Ex. M-31 dt. 5th April, 1988 the letter written by the I party to II party requesting the II party to settle her P.F. amount at the credit and also return the security deposit. I party admitted in her evidence that she withdrew P.F. amount. This is proof positive, if proof is required, that the I party had no present intention of joining her duties. But this conclusion does not help the II party because of my discussion in the above paras regarding the absence of other ingredients contemplated under clause XVI of B.P.S. particularly not submitting any application for leave before the employee absented herself from work.

13. Ex. M-29 is the letter dated 11-8-87 written to the I party by the II party stating that since the I party had not reported for duty within the time stipulated in Ex. M.27 her name had been removed from the Bank's establishment w.e.f. 23-6-87. On

the strength of Ex. M.29, it is contended by the Learned counsel for the I party, the II party had taken some action which amounts to retrenchment. The Learned counsel relied on 1990 (3) S.C.C. 682 (Punjab Land Devi. & Reclamation Corpn. Ltd., v/s. Presiding Officer, Labour Court) to impress upon me that the action of the II party amounts to retrenchment and since admittedly the conditions precedent for retrenchment have not been complied with, the I party is entitled to reinstatement. In para 82 of page 722 it has been clearly laid down by the Honble Supreme Court that retrenchment means the termination by the employer of the service of a workman for any reason whatsoever except those expressly excluded in section 2(oo) of the I.D. Act. In the instant case what II party has done through Ex. M.29 is to inform the I party regarding consequences of Ex. M.27. The definite case of the II party is voluntary abandonment or retirement from service. There is no termination of the service of the I party by the II party. So the authority relied on is not applicable though the I party is entitled to succeed on other grounds discussed above.

14. Ex. W.8 is the office order by the II party dt. 22-10-86 showing that I party was transferred from Sindhanoor branch to Rajajinagar branch, Bangalore. For some reason, malafide or bonafide the II party did not relieve the I party. On the contrary II party cancelled the transfer order as per Ex. W.11 dated 7-1-87. The Learned counsel for the I party argued that cancellation of the transfer order was malafide. Whether cancellation of the transfer order was in good faith or bad faith need not be gone into by this Tribunal because it would be travelling outside the schedule to the reference. Any finding regarding the bonafides or malafides of the transfer order is not relevant to the point in dispute as per schedule to reference.

15. The I party had worked only for about 2 years. She was on leave for more than a year (409 days) on some pretext or the other. The II party admittedly has sanctioned the 7 items of leave. II party has been more than generous in sanctioning leave though some times the I party proceeded before it was sanctioned. In her evidence before this Tribunal I party has admitted on cross-examination that when she applied for leave from 20th May 1985 to 19th June 1985 she was not entitled to leave because she had not completed 11 months of service. She has further admitted that she applied for leave, but she went before it was sanctioned. She also stated that she was aware that she was not entitled to leave. This is a fit case in which the I party should not be granted back wages, in my opinion.

16. All other documents and evidence not referred to by me are not relevant. In any case they do not alter my conclusions reached above.

17. For the aforesaid reasons I pass the following :

#### ORDER

It is held that the management of S.B.H. is not justified in treating the services of the I party workman as voluntary abandonment of service. The II

party is directed to reinstate the I party forth with continuity of service. No back wages. The period during which I party has not worked shall not count for earning increments. Reference accepted in part as stated herein. Award passed accordingly. Submit to Government.

(Dictated to Stenographer, typed by him, corrected, signed by me on this 30th day of June 1993).

M. B. VISHWANATH, Presiding Officer.

नई दिल्ली, 13 जुलाई, 1993

का.आ. 1665.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ पटियाला के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण व श्रम न्यायालय, चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-7-93 को प्राप्त हुआ था।

[संख्या एन-12012/49/88 डो 3-(ए)]

एस. के. जैन, डेस्क अधिकारी

New Delhi, the 13th July, 1993

S.O. 1665.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal. Cum Labour Court, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Patiala and their workmen, which was received by the Central Government on the 13-7-93.

[No. L-12012/49/88-D-3(A)]

S.K. JAIN, Desk Officer

#### ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 84/88

Mrs. Kiran Dhawan Vs. State Bank of Patiala.

For the workman—Shri B. L. Sharma

For the management—Shri N. K. Zakhmi

#### AWARD

Central Govt. vide gazette notification No. L-12012/49/88-D-3(A) dated 13th September, 1993 issued U/S 10(1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the State Bank of Patiala in removing Mrs. Kiran Dhawan, Clerk-cum-Typist at their Panchkula Branch from the post of teller in Jan. 86 is legal and justified? If not to what relief she is entitled to and from what date?”

2. It has been alleged in the statement of claim that she is permanent employee of the respdt. bank working at Panchkula since March 1982 as clerk-cum-typist. She was designated as teller in the said branch and her posting was confirmed by the Regional Manager on 8-10-1985. It is further alleged that in terms of the bank circular, the vacancies of teller are to be filled up on the basis of station-wise seniority and at Panchkula being there is only one branch, therefore, the seniority of the Panchkula branch of the bank is to be taken into account for the posting of teller. At that time the petitioner was the senior most clerk at that branch. It is further alleged that as per banks' circular dated 3-12-1980 “in the event of promotion, transfer or death etc. of a teller, the vacancy so caused will be filled up on the basis of seniority of clerk-cum-typists at that station”. It further lays down that :

“even in case of transfer of any teller from one station to another at his/her own request or on administrative grounds such persons may not claim allowance of teller on the basis of his/her seniority at that station and claim of such person shall be considered as and when new party are created.”

It is further alleged that she was removed from the post of teller on joining of Mrs. Ramesh Seth, clerk-cum-typist after being transferred from Section 10, Chandigarh branch to Panchkula and this has been done in violation to the above said instructions. Therefore, transfer of Mrs. Ramesh Seth to designate her as teller in place of the petitioner is illegal, unjustified and liable to be set aside. It is further prayed that action of the management removing her from the post of teller be declared illegal and she be declared as teller w.e.f. when she was removed along with allowance interest and penalties.

3. The management in their written statement has taken preliminary objection that the claim of the petitioner is against the policy lays down in circular No. PER 59/80. The petitioner was rightly disallowed to work as teller because some senior employees were posted at Panchkula branch and the petitioner was junior to her. On merits the plea has been taken that the policy of the bank for the designation of the teller is contained in Circular No. PER/59 of 1980. It is further pleaded that there was another clerk namely Vijay Kumar Mehta who was senior to the petitioner and thus the petitioner was not the senior most at the said branch. It is further pleaded that the petitioner was disallowed from working as teller not by any other new transferee but by the said Vijay Kumar Mehta who was senior to the petitioner and had been at the said branch throughout and had a prior claim over the post of teller. Further stand of the management is that said Shri Mehta being senior most and working on escorta Machine Operator only then the petitioner was allowed to work as teller. The said Shri Mehta had therefore surrendered the post in favour of Mrs. Ramesh Seth. Thus his claim was stretched on the post of teller which petitioner was occupying and said Shri Mehta was a senior employee of the said branch and had not come there on transfer. It is

further pleaded that the petitioner had no right to hold the post of teller when Shri Mehta senior to her had surrendered his post in favour of Mrs. Seth and also that Shri Mehta was in the said branch throughout.

4. Replication was also filed reasserting the claim made in the statement of claim.

5. The petitioner in support of his claim produced herself as WW1. She filed her affidavit Ex. W1 in evidence. The management produced Mr. R. K. Gupta Manager as MW1. He filed his affidavit Ex. M1. The workman got proved the documents Ex. W2 and W3.

6. I have heard both the parties gone through the record and evidence.

7. Circular dated 3-12-1980 Ex. W3 regulates (i) the eligibility for designation as teller (ii) conditions of debar (iii) reckoning of Seniority for the purpose of designation as teller (iv) manner of filling up of vacant posts (v) payment of allowance during the leave period (vi) and exceptions. Para 3 and 4 of the said circular are relevant for the purpose of present case :

(3) Reckoning of seniority for the purpose of designation as teller” :

“For the purpose of designation of a teller, the seniority of clerk-cum-typist will be reckoned on the basis of station-wise seniority instead of seniority of clerk-cum-typists in the bank as a whole.”

(4) Manner of filling up of vacant posts :

“(a) In the event of promotion, transfer retirement or death etc. of a teller, the vacancy so caused will be filled up on the basis of seniority of clerk-cum-typists at the station. However, in the leave arrangement or till designation of an other clerk-cum-typist as teller on the basis of station-wise seniority in the event of promotion, transfer retirement, death etc. as aforesaid, next senior most clerk of the branch may be allowed to work as a teller as a stop-gap arrangement.

(b) In the case of transfer of clerk-cum-typist working as a teller from one station to another either on his own request or on administrative grounds, he can not claim allowance on the basis of his seniority at the place of posting and the existing arrangement at that station/branch will not be disturbed. However, in case of creation of a new post at that station or an existing post falling vacant, such clerk-cum-typist will be considered for being designated as a teller on the basis of seniority at that station”.

8. After perusing the relevant provision of the said circular there is no dispute to the proposition that for the purpose of designation of teller seniority of

clerk-cum-typists will be reckoned on the basis of station-wise seniority instead of seniority in the bank as a whole. No doubt Shri Vijay Kumar Mehta was the senior most in the said branch but he never opted for the post of teller but choose to work as Escotta Machine Operator and only then the petitioner who was next to Mr. Mehta was allowed to work as teller and she had been working as teller since 17-8-1985. Clause (b) of para 4 of the said circular stipulates that transfer of clerk-cum-typist working as teller from one station to another may be at his own request or on administrative ground can not claim allowance on the basis of his seniority at the place of posting and the existing arrangement at that station/branch will not be disturbed. However, it further stipulates that the said person can only be considered for being designated as teller on the basis of the seniority at that station/branch in case of creation of new posts or an existing post falling vacant. But, however, this was not the position in the present case. Neither the post was lying vacant nor any new post was created. Transfer of Mrs. Ramesh Seth from Chandigarh to Panchkula as teller in place of the petitioner certainly disturbed the existing arrangement in the said branch, in violation to the said instructions. The plea of the management that Shri Mehta who was senior to the petitioner had surrendered the post in favour of said Mrs. Ramesh Seth and she did not step into the shoes of the petitioner is meritless. The said Mr. V. K. Mehta may be senior most in the branch but he was not holding the post of teller. Thus there is no question of surrendering the post of teller in favour of Mrs. Ramesh Seth, therefore, said Ramesh Seth did step in the shoes of the petitioner which she could not in view of the clause (b) of para 4 of the said circular Ex. W3.

9. In view of the discussion made in earlier paras, action of the management removing the petitioner from the post of teller is certainly unjustified in view of their own circular. It is thus ordered that she be re-designated as teller from the date she was removed with all consequential benefits. Reference is answered accordingly.

Chandigarh;

30-6-92.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 13 जुलाई, 1993

का. आ. 1666.—मिने कर्मकार कल्याण निधि नियमावली, 1984 के नियम 3 के उपखंड (2) (क) के साथ पठित मिने कर्मकार कल्याण निधि अधिनियम, 1981 (1981 का 33) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा अधिनियम के प्रशासन में उत्पन्न मामलों के साथ-साथ मिने कर्मकार कल्याण निधि के लागू करने में संबंधित मामलों, जो उसे केन्द्रीय सरकार द्वारा भेजे जाएं, पर केन्द्रीय सरकार को सलाह

निम्न हेतु तत्काल प्रभाव से एक मलाहकार समिति  
गठित करनी है, अर्थात्:—

- अध्यक्ष श्रीम. मंत्री,  
तमिलनाडु सरकार,  
मद्रास
- उपाध्यक्ष (पदेन) कल्याण आयुक्त,  
श्रीम. कल्याण संगठन,  
हैदराबाद
- सदस्य (1) श्री ए. नटराजन निदेशक,  
दूरदर्शन, मद्रास
- (2) श्रीम. आयुक्त,  
तमिलनाडु सरकार,  
मद्रास
- (3) श्री मुक्त बी. श्रीनिवासन,  
मैनेजिंग पार्टनर,  
7, वैद्यराम स्ट्रीट,  
टी-नगर, मद्रास  
(फिल्म निर्माता प्रतिनिधि)
- (4) श्री जी. त्यागराजन,  
अवैतनिक सचिव,  
दक्षिण भारतीय फिल्म वाणिज्य मंडल,  
नं. 2 मुदाली स्ट्रीट,  
रोयापेट, मद्रास-600014  
(फिल्म निर्माता प्रतिनिधि)
- (5) श्री टी. के. बालचन्द्रन  
उपाध्यक्ष, दक्षिण भारतीय वाणिज्य  
मंडल, विशाल भवन,  
नं. 14, 5 मेन रोड,  
मद्रास-600020  
(फिल्म निर्माता प्रतिनिधि)
- (6) श्री मोहन गांधी रमन,  
अध्यक्ष  
दक्षिण भारतीय फिल्म कर्मचारी परिषद  
24, पल्लियाकरण स्ट्रीट,  
मद्रास-600024  
(सिने कर्मकार प्रतिनिधि)
- (7) श्री च. चिन्नैया,  
कोषाध्यक्ष,  
दक्षिण भारतीय फिल्म कर्मचारी  
परिषद, 7, ए. पी. एम. स्ट्रीट,  
वेकटेशन नगर, विरुगमब कम्,  
मद्रास-600092  
(सिने कर्मकार प्रतिनिधि)

- (8) श्री एन. एम. वर्मा,  
महसचिव,  
दक्षिण भारतीय सिनेमेटोग्राफर्स संघ,  
199, नार्थ ड्रमगोड रोड,  
टी-नगर, मद्रास-600017  
(सिने कर्मकार प्रतिनिधि)

- (9) श्रीम. सेल्वा श्रीनिवासा,  
अभिनेत्री व फिल्म निदेशक,  
10, मय्यूदाईयन एवेन्यू,  
पयलापार मद्रास-600004  
(सिने कर्मकार प्रतिनिधि)

सचिव : सहायक कल्याण आयुक्त,  
श्रीम. कल्याण संगठन,  
मद्रास

2. मलाहकार समिति का मुख्यालय (मद्रास में होगा)
3. पदेन सदस्यों के अलावा अन्य सदस्यों का कार्यकाल  
3 वर्ष की अवधि के लिए होगा।

[सं. यू-19012/5/90-फ 11(ग)]  
पी. डी. नागर, अवर सचिव

New Delhi, the 13 July, 1993

S.O. 1666—In exercise of the powers conferred by sub-section (1) of section 5 of the Cine-Workers Welfare Fund Act, 1981 (33 of 1981), read with sub-rule (2)(a) of rule 3 of the Cine-Workers Welfare Fund Rules, 1984, the Central Government hereby constitute an Advisory Committee to advise the Central Government on matters arising out of the administration of the aforesaid Act as may be referred to it by the Central Government including matters relating to the application of the Cine-Workers Welfare Fund, as under with immediate effect, namely:—

- |                               |  |
|-------------------------------|--|
| Chairman                      | Minister of Labour,<br>Government of Tamil Nadu,<br>Madras.  |
| Vice-Chairman<br>(Ex-officio) | Welfare Commissioner,<br>Labour Welfare Organisation,<br>Hyderabad.  |
| Members                       | (1) Shri A. Natarajan,<br>Director,<br>Doordarshan,<br>Madras.   |
|                               | (2) Commissioner of Labour,<br>Government of Tamil Nadu,<br>Madras.  |
|                               | (3) Shri Muktha V. Srinivasan,<br>Managing Partner,<br>7, Vaidyarama Street,<br>T. Nagar,<br>Madras-600 017.<br>(Representative of Film Producers) |

- (4) Shri G. Thyagarajan,  
Honorary Secretary,  
South Indian Film Chamber of  
Commerce,  
No. 2, Shanmuga Mudali Street,  
Royapettah,  
Madras-600 014.  
(Representative of Film Producers)

नई दिल्ली, 13 जुलाई, 1993

- (5) Shri T.K. Balachandran,  
Vice-President,  
South India Chamber of Commerce,  
Vishal House,  
No. 14, 5th Main Road,  
Kasturba Nagar,  
Adyar,  
Madras-600 020.  
(Representative of Film Producers)

का.आ. 1667.—लौह अयस्क खान, मैंगनीज अयस्क खान और क्रोम अयस्क खान श्रम कल्याण निधि अधिनियम 1976 (1976 का 61) के साथ पठित लौह अयस्क खान, मैंगनीज अयस्क खान और क्रोम अयस्क खान श्रम कल्याण नियमावली 1978 की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा भारत के राजपत्र भाग-II, खंड-3, उपखंड (ii), दिनांक 9 नवम्बर, 1991 के पृष्ठ सं. 4351 से 4354 पर प्रकाशित, श्रम मंत्रालय, भारत सरकार के कानूनी आदेश संख्या 2844 दिनांक 17 अक्टूबर, 1991 में श्रम निम्नलिखित संशोधन करती है अर्थात् :—

- (6) Shri Mohan Gandhiraman,  
President,  
Film Employees Federation of South  
India,  
24, Palayakaran Street,  
Madras-600 024.  
(Representative of Cine-Workers)

उक्त अधिसूचना में क्रम संख्या 1 तथा तत्संबंधी प्रविष्टियों में संशोधन एवं निम्नलिखित परिवर्तन किये जाये, अर्थात् :

“1. श्रम राज्य मंत्री, अध्यक्ष”  
भारत सरकार,  
नई दिल्ली

- (7) Shri Ch. Chinniah,  
Treasurer,  
Film Employees Federation of South  
India,  
7, AVM Street,  
Venkatesan Nagar,  
Virugambakkam,  
Madras-600 092.  
(Representative of Cine-Workers)

[सं. यू-23011/1/88-W.II(C)]

वी.डी. नागर, अवर सचिव

- (8) Shri N.S. Varma,  
General Secretary,  
Southern India Cinematographers  
Association,  
No. 4, J.V.L. Arcade,  
1 Floor,  
199, North Usman Road,  
T. Nagar,  
Madras-600 017.  
(Representative of Cine-Workers)

New Delhi, the 13th July, 1993

S.O. 1667.—In exercise of the powers conferred by section 6 of the Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Act, 1976 (61 of 1976), read with sub-rule (1) of rule 3 of the Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Rules, 1978, the Central Government hereby makes the following further amendment in the Notification of the Government of India in the Ministry of Labour No. S.O. 2844 dated the 17th October, 1991 published at pages 4351 to 4353 of the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 9th November, 1991, namely:—

In the said Notification, for Serial No. 1 and the entries relating thereto, the following shall be substituted, namely :—

“1. Minister of State for Labour,  
Government of India,  
New Delhi. Chairman”

Secretary Assistant Welfare Commissioner,  
Labour Welfare Organisation,  
Madurai.

2. The headquarters of the Advisory Committee will be at Madras.

3. The tenure of the members, other than ex-officio members, shall be for a period of three years.

[No. U-19012/5/90-W. II(C)]

V. D. NAGAR, Under Secy.

[No. U-23011/1/88-W.II(C)]

V. D. NAGAR, Under Secy.



नई दिल्ली, 13 जुलाई, 1993

का. प्रा. 1668.—सिने कर्मकार कल्याण निधि नियम, 1984 के नियम 3 के उप-नियम (1) के साथ पठित सिने कर्मकार कल्याण निधि अधिनियम, 1981 (1981 का 33) की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा केन्द्रीय सलाहकार समिति पुनर्गठित करती है जिसमें निम्नलिखित सदस्य होंगे अर्थात् :—

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| (1) श्रम राज्य मंत्री,<br>भारत सरकार,<br>सरकारी प्रतिनिधि   | अध्यक्ष   |
| (2) भ्रपर सचिव, श्रम मंत्रालय                               | उपाध्यक्ष |
| (3) महानिदेशक (श्रम कल्याण)/<br>संयुक्त सचिव, श्रम मंत्रालय | सदस्य     |
| (4) संयुक्त सचिव (फिल्म)<br>सूचना एवं प्रसारण मंत्रालय      | सदस्य     |
| (5) कल्याण आयुक्त,<br>नागपुर                                | सदस्य     |
| (6) कल्याण आयुक्त,<br>बंगलौर                                | सदस्य     |
| (7) कल्याण आयुक्त,<br>हैदराबाद                              | सदस्य     |
| (8) कल्याण आयुक्त,<br>कलकत्ता                               | सदस्य     |

सिने कर्मकार संगठन के प्रतिनिधि

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| (9) श्री मधुसूदन, महासचिव,<br>प्रखिल भारतीय फिल्मस कर्मचारी महासंघ,<br>231, फेमस सिने बिल्डिंग,<br>डा. ई. मोसेस रोड, महालक्ष्मी,<br>बम्बई-400011         | सदस्य |
| (10) श्री चन्द्रशेखर,<br>अध्यक्ष,<br>पश्चिम भारत सिने कर्मचारी संघ,<br>231, फेमस सिने बिल्डिंग,<br>डा. ई. मोसेस रोड, महालक्ष्मी,<br>बम्बई-400011         | सदस्य |
| (11) कु. आशा पारेख,<br>सदस्य, कार्यकारी समिति सिने आर्टिस्ट एसोसिएशन,<br>210, फेमस आर्टिस्ट एसोसिएशन,<br>डा. ई. मोसेस रोड, महालक्ष्मी,<br>बम्बई-400011   | सदस्य |
| (12) श्री मोहन गांधीरामन,<br>अध्यक्ष,<br>फिल्म इम्पलाज फेडरेशन ऑफ साउथ इण्डिया,<br>24, पलयकरन कास स्ट्रीट, कोदम्बकम,<br>मद्रास-600024                    | सदस्य |
| (13) श्री मोहम्मद नईम,<br>संयुक्त सचिव,<br>ऑल इण्डिया फिल्म इम्प्लॉज कान्फेडरेशन,<br>260, ब्रूसरा तल, ट्रिप्लीकेन हाई रोड,<br>ट्रिप्लीकेन, मद्रास-600005 | सदस्य |

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| (14) श्री अनिल चटर्जी,<br>अध्यक्ष, फेडरेशन ऑफ फिल्म टेक्नीशियन्स एण्ड<br>वर्कर्स ऑफ इस्टर्न इण्डिया, 30 गांधी घोष रोड,<br>कलकत्ता-700040 | सदस्य |
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| (15) श्री मुक़्त सेन शर्मा,<br>महासचिव, फेडरेशन ऑफ फिल्म टेक्नीशियन्स<br>एण्ड वर्कर्स ऑफ इस्टर्न इंडिया,<br>30, गांधी घोष रोड,<br>कलकत्ता-700040 | सदस्य |
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फिल्म निर्माता संघ के प्रतिनिधि

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| (16) प्रणव कुमार बोस,<br>अध्यक्ष, इस्टर्न इण्डिया मोशन पिक्चर एसोसिएशन<br>98-ई, बी. एन. सरकार सरणी,<br>कलकत्ता-700072 | सदस्य |
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| (17) श्री रजोत मित्र,<br>अध्यक्ष, प्रोड्यूसर्स सेक्शन बेस्ट बंगाल,<br>इस्टर्न इण्डिया मोशन पिक्चर्स एसोसिएशन<br>98-ई, बी. एन. सरकार सरणी,<br>कलकत्ता-700072 | सदस्य |
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| (18) श्री बी. लक्ष्मण,<br>कन्नड़ फिल्म उद्योग के प्रतिनिधि<br>मै. सेनाद्री रोड, गांधीनगर, बंगलौर-560009 | सदस्य |
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| (19) श्री सुषमा बी. श्रीनिवासन,<br>तमिल फिल्म उद्योग के प्रतिनिधि, मै. सुषमा फिल्मस,<br>212-213, सैन्ट मैरी रोड, मद्रास-600028 | सदस्य |
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| (20) श्री दसरी नारायण राव,<br>तेलुगू फिल्म उद्योग के प्रतिनिधि,<br>मै. थरक प्रभु फिल्मस, 45, बजुल्ला रोड,<br>टी. नगर, मद्रास-600017 | सदस्य |
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| (21) श्री के. जी. सोरे,<br>प्रवैतनिक सचिव, फिल्म सेकर्स कम्पाइन,<br>आई. एम. पी. पी. ए. हाउस,<br>डा. भम्बेडकर रोड, बांद्रा<br>बम्बई-400050 | सदस्य |
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| (22) श्री आत्मा राम,<br>प्रवैतनिक सचिव, फिल्म फेडरेशन ऑफ इण्डिया,<br>10 वां तल, "ए" विंग,<br>बम्बई एयरकन्डीशन मार्केट टाडियो,<br>बम्बई-400034 | सदस्य |
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| (23) कल्याण प्रशासक (मुख्यालय)<br>डब्ल्यू-II (सी) अनुभाग, श्रम मंत्रालय,<br>नई दिल्ली | सचिव |
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2. केन्द्रीय सलाहकार समिति का मुख्यालय दिल्ली में होगा।

3. पदेन सदस्यों को छोड़कर अन्य सदस्यों का कार्यकाल इस अधिसूचना के जारी होने की तिथि से तीन वर्ष तक का होगा।

[का. सं. यू-23011/1/92-डब्ल्यू-II (सी)]

बी. डी. नागर, भ्रपर सचिव

New Delhi, the 13th July, 1993

S. O. 1668—In exercise of powers conferred by sub-section (1) of section 6 of Cine Workers Welfare Fund Act, 1981 (33 of 1981) read with sub-rule (1) of rule 3 of the Cine Workers Welfare Fund Rules, 1984, the Central Government hereby reconstitutes the Central Advisory Committee consisting of the following persons, namely :—

- (1) Minister of State for Labour, Chairman  
Government of India.

## Representatives of Government.

- (2) Additional Secretary, Vice-Chairman  
Ministry of Labour
- (3) Director General (Labour Welfare)/ Joint Secretary, Member  
Ministry of Labour.
- (4) Joint Secretary (Films), Member  
Ministry of Information & Broadcasting
- (5) Welfare Commissioner, Member  
Nagpur.
- (6) Welfare Commissioner, Member  
Bangalore.
- (7) Welfare Commissioner, Member  
Hyderabad.
- (8) Welfare Commissioner, Member  
Calcutta.

## Representatives of Cine Workers Organisation.

- (9) Shri Madhusudan, Member  
General Secretary,  
All India Film Employees' Confederation,  
231, Famous Cine Building,  
Dr. E. Moses Road,  
Mahalaxmi,  
Bombay-400 011.
- (10) Shri Chandrashekhar, Member  
President,  
Federation of Western India  
Cine Employees,  
231, Famous Cine Building,  
Dr. E. Moses Road,  
Mahalaxmi,  
Bombay-400 011.
- (11) Miss Asha Parekh, Member  
Member-Executive Committee,  
Cine Artistes' Association,  
210 Famous Artistes' Association,  
Dr. E. Moses Road,  
Mahalaxmi,  
Bombay-400 011.
- (12) Shri Mohan Gandhiraman, Member  
President,  
Film Employees Federation of South India,  
24 Palayakaran Cross Street,  
Kodambakkam,  
Madras-600 024.

- (13) Shri Mohamed Nayeem, Member  
Joint Secretary,  
All India Film Employees' Confederation,  
260 Second Floor,  
Triplicane High Road,  
Triplicane,  
Madras-600 005.

- (14) Shri Anil Chatterjee, Member  
President,  
Federation of Film Technicians &  
Workers of Eastern India,  
30 Chandi Ghose Road,  
Calcutta-700 040.

- (15) Shri Subrata Sen Sharma, Member  
General Secretary,  
Federation of Film Technicians &  
Workers of Eastern India,  
30 Chandi Ghose Road,  
Calcutta-700 040.

## Representatives of Cine Producers Organisation.

- (16) Shri Pranob Kumar Bose, Member  
President,  
Eastern India Motion Picture Association,  
98-E B.N. Sircar Sarani,  
Calcutta-700 072.

- (17) Shri Ranjit Mitra, Member  
Chairman,  
Producers' Section West Bengal,  
Eastern India Motion Picture Association,  
98-E, B.N. Sircar Sarani,  
Calcutta-700 072.

- (18) Shri B. Lakshman, Member  
Representative of Kannar Film  
Industry,  
M/s. Seshadri Road,  
Gandhinagar,  
Bangalore-560 009.

- (19) Shri Muktha V. Srinivasan, Member  
Representative of Tamil Film Industry,  
M/s. Muktha Films,  
212, 213, St. Mary's Road,  
Madras-600 028.

- (20) Shri Dasari Narayan Rao, Member  
Representative of Telugu Film Industry,  
M/s. Tharaka Prabhu Films,  
45, Bazullah Road,  
T. Nagar,  
Madras-600 017.

- (21) Shri K.D. Shorey, Member  
Hony. Secretary,  
Film Makers' Combine,  
IMPPA House,  
Dr. Ambedkar Road,  
Bandra,  
Bombay-400 050.

- (22) Shri Atma Ram, Member  
Hony. Secretary,  
Film Federation of India,  
10th Floor,  
'A' Wing,  
Bombay Aircondition Market,  
Tardeo,  
Bombay-400 034.

(23) Welfare Administrator (Hq.),  
W. II (C) Section,  
Ministry of Labour,  
New Delhi.

Secretary

INDUSTRY : Banking STATE : Maharashtra  
Bombay, dated the 2nd July, 1993

### AWARD

2. The Head quarters of the Central Advisory Committee shall be at New Delhi.

3. The term of the members, other than Ex-officio Members shall be for a period of three years from the date of this notification.

(F.No. U-23011/1/93-W.II(C))  
V.D. NAGAR, Under Secy.

नई दिल्ली, 14 जुलाई, 1993

आ. आ. 1669.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बैंक ऑफ महाराष्ट्र के प्रबन्धन के संबंध में निम्नलिखित और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद से केन्द्रीय सरकार औद्योगिक अधिनियम, नं. 2, मुम्बई के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-7-93 को प्राप्त हुआ था।

[सं. ल-12012/546/88-डी-2(ए)]

बी. के. वेनुगोपालन, डेस्क अधिकारी

New Delhi, the 14th July, 1993

S.O. 1669.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal No. 2, Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Maharashtra and their workmen, which was received by the Central Government on 13-7-1993.

[No. L-12012/546/88-D-2A]  
V. K. VENUGOPALAN, Desk Officer.

### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

### PRESENT

Shri P. D. Apshankar,  
Presiding Officer.

Reference No. CGIT-2/9 of 1989

### PARTIES:

Employers in relation to the management of  
Bank of Maharashtra.

AND

Their workmen.

### APPEARANCES:

For the Employers : Shri R. M. Samudra, Representative.

For the Workman : 1. Shri S. P. Dharmadhikari,

2. Shri Rohit Deo, Advocates.

1580 GI/93—11.

The Central Government by their Order No. L-12012/546/88-D.II(A) dated 3-4-1989 have referred the following industrial dispute to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947.

"Whether the action of the management of Bank of Maharashtra in dismissing from service Shri S. K. Wankhede is justified? If not, to what relief is the workman entitled?"

2. The case of the workman Shri Shekhar Krishnarao Wankhede as disclosed from the Statement of Claim (Ex. W/2), filed by him, in short, is thus:

He was in the service of the Bank of Maharashtra at its Sitabuldi Branch, Nagpur as a Clerk-cum-Typist since 1972. There was no adverse remark against him while he was in service. However, the Manager of the said Branch of the Bank by his letter dated 16-1-1986 suspended him from service under the provisions of Bipartite Settlement. Thereafter, a charge sheet dated 31-1-1986 was issued against him by the Manager and the Disciplinary authority of the Bank, and it was alleged against him that he had caused willful damage to the property of the Bank and thus committed gross misconduct contemplated under clause 19.5(d) of the Bipartite Settlement. He was also charged with for having committed breach of rule of business of the Bank and thus committing minor misconduct under clause 19.7(d) of the Bipartite Settlement. He was also charged for having withdrawn the amount of Rs. 900 from the account of an account holder of the Bank on 13-12-1985, and thus committed the misconduct under clause 19.5(d) of the Bipartite Settlement. A further charge sheet was thereafter issued against him on 14-2-1986 under clause 19.5(d), 19.7(d) of the Bipartite Settlement. Shri V. R. Kulkarni was appointed as Enquiry Officer regarding the enquiry to be held against him.

3. The workman further alleged thus:

Alongwith the charge sheets, he was not supplied with the copies of the documents relied upon by the Bank management. He was also not supplied with the names of the witnesses who were to be examined on behalf of the Bank management. No copies of the alleged investigation carried against him were supplied by the Bank management to him. During the course of the enquiry, statements of several witnesses were recorded on behalf of the management and thereafter the statement of the applicant was recorded by the Enquiry Officer. The workman filed his

written arguments before the Enquiry Officer on or about 24-10-1986. The Enquiry Officer had a biased mind against the workman and he had allowed inadmissible evidence to go on record. The Enquiry Officer was not an impartial person. Before the Enquiry Officer recorded and delivered his findings on 14-11-1986, no opportunity was given to the workman of being heard. Relying upon inadmissible evidence the Enquiry Officer found the workman guilty of all the charges framed against him.

Thereafter, the Disciplinary authority without hearing the workman, imposed punishment of dismissal from the service upon him. The workman filed an appeal to the Appellate authority against the order of dismissal passed by the Disciplinary authority. However, the Appellate authority maintained the order of the dismissal passed against him. Appellate authority and Disciplinary authority have failed to take note that because of union rivalry the workman was made a victim.

After the dismissal order was passed against him, the Chief Manager of the Bank issued an Order to the workman in October 1987, informing him that they would deduct the amounts of gratuity and P.F. from the amounts payable to the workman. These deductions were to be made by Bank on the assumption that the workman had withdrawn the amounts from the accounts of Mrs. Chitale and Mr. Kale and that these amounts were not paid by the workman to them. Therefore, the workman lastly prayed that the order of the dismissal passed against him by the Bank Manager is unjust and illegal, and that this Tribunal should direct the Bank Manager to reinstate him in service w.e.f. 27-3-1987 with continuity of service and with full back wages and that the Bank Management be further directed to pay him all the wages of the suspension period w.e.f. 16-1-1986 onwards, and that the workman be granted other necessary reliefs.

4. The Bank of Maharashtra by their Written Statement (Ex. M/3) opposed and contested the said claim of the workman, and in substance contended thus :

Pending the enquiry against the workman, he was placed under suspension by the Order dated 16-1-1986. He was then served with the chargesheets dated 31-1-1986 & 14-2-1986. It was alleged against him that he made debit entries in the joint account of Mr. & Mrs. Chitale, received cash amount without authority from the account holder and made unauthorised debit entries in the savings bank account. He was also charged of

similar acts of misconduct in connection with Savings Bank Account No. 37061 of Shri S. P. Kale. The Enquiry Officer, V. R. Kulkarni held the workman guilty of all these charges levelled against him by his report dated 14-11-1986. Based on the findings of Enquiry Officer, the Disciplinary Authority awarded punishment of dismissal without notice and warning by the Order dated 27-3-1987. Against that Order, the workman filed an appeal to the Appellate Authority who by its Order dated 6-10-87 confirmed the said punishment of dismissal after hearing the workman and his defence representative. In the enquiry that was held against the workman, all the rules of natural justice were properly followed. The punishment of dismissal from service inflicted by the management was warranted by the acts of misconducts committed by the workman.

5. The management further contended thus :

The charges against the workman were that he had committed certain fraudulent acts which amounted to gross misconduct on his part. He had also committed breach of the rules and had indulged in the acts which were prejudicial to the interest of the Bank. The copies of necessary relevant documents were supplied to the workman at the initial stage of the enquiry. The different witnesses examined on behalf of the Bank Management were cross examined by the defence representative of the workman. The workman had not made any complaint that he was not supplied with the copies of the documents or list of the witnesses to be examined by the management, before the commencement of the enquiry proceedings. It is not true to say that the said workman was falsely implicated in the case because of the union rivalry. It is not true that Enquiry Officer had a bias against the workman or that he had allowed any inadmissible evidence to go on record, or that the Enquiry Officer was a partisan person. The findings of the Enquiry Officer are based on the evidence led before him, and they are just and proper. The opportunity was given to the workman of being heard before the Disciplinary Authority and Appellate Authority passed their respective orders. Merely because the copies of preliminary investigations report were not supplied to the workman, the enquiry does not get vitiated on that ground. The Bank had suffered loss due to the fraudulent activities on part of the workman. Hence, the Bank was justified in recovering the necessary amounts from the amounts of gratuity and P.F. due to the workman. The action of the Bank management in dismissing the worker from service is quite just and pro-

per. The Bank management, therefore, lastly prayed for the rejection of the prayer of the workman.

6. The Issues framed at Ex. 4 are :

1. Whether the enquiry held against the workman Shri S. K. Wankhede was not held properly, that the rules of natural justice were not followed and he was not given proper and sufficient opportunity to defend himself ?
2. Whether the Enquiry Officer was not an impartial person, but had a bias against the workman ?
3. Whether the findings of the Enquiry Officer are not based upon the evidence on record, and are improper and unjust ?
4. Whether the order of the Chief Manager of the Bank regarding the deduction of the amount of Rs. 10,900 from the gratuity and the P.F. of the workman, is unjust and illegal ?
5. Whether the action of the management of Bank of Maharashtra in dismissing from service Shri S. K. Wankhede, is justified ?
6. If not, to what relief is the workman entitled ?
7. What Award ?

7. My findings on the said Issues are :

1. Held properly.
2. Was an impartial person.
3. No.
4. No.
5. Yes.
6. Nil.
7. As per below.

### REASONS

Issue No. 1.—

8. The workman, Shri S. K. Wankhede filed his affidavit (Ex. W/48) in support of his case, and he was cross examined on behalf of the Bank management. No oral evidence was led on behalf of the Bank management.

9. The charge sheet dated 31-1-1986 (Ex. W/6) issued by the Manager and Disciplinary Authority against the workman was thus :

"It has been reported against you as under :

- (I) Mrs. B.J. Chitale alongwith Mr. J.D. Chitale, her husband, is maintaining Joint Savings Bank Account No. 27159 with our "Sitabuldi Branch, Nagpur, since 5th April 1979. The account is being operated by any one of them singly.

Mrs. Chitale has lodged a complaint with us that there are certain unauthorised transactions in the account. On investigation, we observed as under :—

- (a) On 4th November 1985, a sum of Rs. 2,000 has been debited in the account and the amount has been received by you.
- (b) On 11th November 1985, a sum of Rs. 700 is debited in the account and the amount has been received by you.
- (c) On 26th November 1985, a sum of Rs. 500 has been debited in the account and the amount has been received by you.
- (d) On 9th December 1985, a sum of Rs. 1,500 has been debited in the account and the amount has been received by you.
- (e) On 13th December, 1985, a withdrawal slip for Rs. 900 has been debited in the account and on the reverse of the withdrawal you have signed as recipient of the amount, however, the payment was withheld.

Further you have made the debit entries of Rs. 2,000, Rs. 700 and Rs. 500 by yourselves though, you were not the concerned ledger keeper and you are not supposed to post the entries yourself.

As you were not the concerned ledger keeper and you were not supposed to post the entries of Rs. 2,000, Rs. 700 and 500 you have done this act of commission with the sole intention of committing fraud in the account of the customer.

You have thus caused damage to the interest of the customer of the bank and also to the image of the bank with your acts of commission. Further, you have also not obtained the permission of the concerned official of the Saving Section for the posting of these entries. Your acts are clearly detrimental to the business and interest of the bank.

The bank, therefore, charges you as as under :—

- (1) "Wilful damage and attempt to cause the damage to the property of the bank or any of its customer which is a gross misconduct under Clause No. 19.5 (d) of B.P Settlement."
- (2) "Breach of any rule of business of the bank or the instructions for the running of any department which is a minor misconduct under the Clause No. 19.7 (d) of B. P. Settlement."

(II) On 9th December 1985, a sum of Rs. 1,500 was received by you without the necessary direction or authority from the account holder. You have received the cash without due authority and have also not passed on the sum of Rs. 1,500 to the account holder. The bank, therefore, charges you as under :—"Doing an act prejudicial to the interest of the bank which is an act of gross misconduct under Clause No. 19.5 (j) of B.P. Settlement."

(III) On 13th December 1985, you have presented a withdrawal slip of Rs. 900 in the said account and you have signed on the reverse of the withdrawal as authorised receipt of the sum and mentioned therein on behalf of the account holder. This act is far from the truth and you have thus misled the concerned authorities. The withdrawal slip was withheld and not passed for payment and hence you were not paid the sum. The bank, therefore, charges you as under :—"Wilful damage and attempt to cause the damage to the property of the bank or any of its customer which is an act of gross misconduct under Clause No. 19.5(d) of B.P. Settlement."

10. The additional charge (Ex. W/7) framed against the said workman on 14-2-1986 was thus :

"It has been reported against you as under :—

Shri S. P. Kale, our Customer of the bank, is maintaining a Savings Bank Account No. 37061 with our Sitabuldi Branch. The account has been opened on 23-7-1985 and the account has been introduced by you.

Shri Kale has now lodged a complaint with the bank that there are certain unauthorised debit entries in his account and asked for enquiry into these transactions. He has reported that on 9th December 1985, he came to the bank to withdraw the amount from his Savings Bank Account through Cheque No. 728256. But when he approached the Counter Clerk, he was told that there was no sufficient balance in his Savings Bank Account to pass the cheque for payment. Shri Kale was confident that he was having sufficient balance. Being known to you, he approached you and informed you that he should have sufficient balance in his account. He has further reported that you then took him out and informed him that you have unauthorisedly withdrawn an amount of Rs. 6,600 from the account of Shri Kale without his knowledge and without his authority. You have also promised him that you would make good the amount within 8 days. However, you failed to return the amount as promised.

On investigation into matter, we observed that:—

(a) On 29th October 1985, a sum of Rs. 4,000 has been debited in the account and the amount has been received by you.

(b) On 1st November 1985, a sum of Rs. 2,200 has been debited in the account and the amount has been received by you.

(c) On 29th October 1985, you have posted the debit entry of Rs. 4,000 by yourself.

(d) On 1st November 1985, you have posted the debit entry of Rs. 2,200 yourself though you were not supposed to post the entry yourself.

(I) As you were not the concerned Ledger Keeper and hence you were not supposed to post these entries, you have done this act of commission with the sole intention of defrauding the Customer. You have, through your act, caused damage to the interest of the customer of the bank and also to the image of the bank. You have committed these acts without the knowledge of the concerned Ledger Keeper and without the knowledge and permission from the concerned Incharge of Savings Bank Section. Your acts of commission are detrimental to the interest of the Bank.

The Bank, therefore, charges you as under :

1. "Wilful damage or attempt to cause damage to the property of the bank which is gross misconduct as per Clause No. 19.5 (d) of B.P. Settlement."

2. "Breach of rule of business of the bank which is minor misconduct as per Clause No. 19.7(d) of B. P. Settlement."

(II) On 4th November 1985, you have transferred an amount of Rs. 1,500 from your staff Savings Bank Account to the credit of S.B. Account No. 37061 of Mr. S.P. Kale. You have given a withdrawal for Rs. 1,500 and the amount has been transferred by you by way of S/B Pay-in-Slip to the S/B Account No. 37061 of Shri Kale which has also been filled in by yourself. This credit entry has been passed by you without any approval, consent or knowledge of Mr. Kale. You have thus caused damage to the image of the bank and the damage is of monetary nature.

The Bank, therefore, charges you as under :—

1. "Wilful damage or attempt to cause damage to the property of the bank as per Clause No. 19.5(d) of B P Settlement."

11. According to the workman, the enquiry held against him was not held properly, that the rules of natural justice were not followed, and that he was not given proper and sufficient opportunity to defend himself. However, the said workman stated and admitted in his cross examination thus :—

"I was working as a Typist-cum-Clerk in Sitabuldi Branch of the Bank at Nagpur at the time of incident in question. During the enquiry proceedings, I was allowed to be defended by my representative, viz., Shri R. S. Nerkar, the Secretary of the Union.

I was supplied with the list of documents and the list of witnesses to be relied upon by the Bank, before the evidence started. My defence representative had cross examined the Bank's witnesses. The matter was adjourned from time to time on the request of my representative. The Bank's witness Shri Damle was recalled for his further evidence, and we were given an opportunity to further cross examine him."

12. It is thus quite clear from the above said admissions made by the workman in his cross examination that he was given sufficient and proper opportunity to defend himself and that the rules of natural justice were duly followed. It is further seen from the enquiry proceedings that the workman was allowed to be heard by the Disciplinary authority and by the Appellate authority before they had passed their respective orders. It is true that copies of preliminary investigation carried out by Bank before issuing the charge sheet against the workman were not supplied to him. However, the Bank management has not relied upon these papers during the enquiry in question, and as such, no prejudice was thereby caused to the workman.

Issue No. 1 is, therefore, found accordingly.

#### ISSUE NO. 2.—

13. According to the workman, the Enquiry Officer was not an impartial person, but had a bias against him. However, there is nothing on record to conclude that the Enquiry Officer was not an impartial person but had a bias against him. On the contrary, the material on record shows that Enquiry Officer was an absolutely impartial person, and had no bias against the workman in any way. It will be seen from the enquiry proceedings dated 12-8-1986 (Ex. M/35) that on that date the defence representative of the workman was absent and the workman had requested for an adjournment. The Presenting Officer for the Bank management objected to it and said that the workman should be asked to change the defence representative. However, the Enquiry Officer, overruled the objection of the Presenting Officer, and asked the workman to keep his defence representative present on the next date. On 7-10-1986, the evidence of Mrs. V.J. Chitale, M.W.6, was being recorded before the Enquiry Officer (Ex. M/40). The defence representative then asked certain questions to Mrs. Chitale. The Presenting Officer objected to it and said that the question had no relevance to the matter in issue. However, the Presenting Officer observed that the question was relevant, and overruled the objection of the Presenting Officer. On 8-10-1986, when the evidence of Shri V.J. Sahasrabhojane, M.W.7, was being recorded (Ex. M/41), the defence representative had asked the witness about a certain letter from Mrs. Ghogare and asked about the two unions of the Bank employees in the Bank. The Presenting Officer objected to that question. However, the Enquiry Officer overruled the objection of the Presenting Officer and allowed the defence representative to ask the said questions. All these incidents during the enquiry proceedings clearly show that the Enquiry Officer was

an impartial person, and had bias against the workman. The evidence of the Bank witnesses, Shri Damle, M.W.3, was recorded, i.e. his examination in-chief was taken on behalf of the Bank management, and he was cross examined on behalf of the workman. Thereafter, the Bank management again wanted to examine Shri Damle for his further evidence. According to the workman, the Enquiry Officer should not have granted the permission to the Presenting Officer to further examine the witness Shri Damale, and the fact that Shri Damale was allowed to be further examined on behalf of the Bank management, shows that the Enquiry Officer had a bias against the workman, and that he was not an impartial person. However, it will be seen from the enquiry proceedings (Ex. M/38) dated 23-8-1986 that defence representative himself had then said that he had no objection in case Shri Damale is allowed to be examined further, provided he is given an opportunity to cross examine him. Accordingly, further evidence of Shri Damale was recorded, and the defence representative was given the necessary and proper opportunity to further cross examine Shri Damale. Accordingly, Shri Damale was further cross examined on behalf of the workman. All this clearly establishes that the Enquiry Officer was certainly an impartial person, and had no bias against the workman.

Issue No. 2 is, therefore, found in the negative.

#### ISSUE NO. 3 :

14. According to the workman, the findings of the Enquiry Officer are not based upon the evidence on record, and are improper and unjust. However, on going through the report of the Enquiry Officer (Ex. W/10), I find that the conclusions arrived at by the Enquiry Officer Shri V. R. Kulkarni are based upon the oral and documentary evidence placed before him during the enquiry proceedings, and they are just and proper, and are not perverse in any way. The conclusions arrived at by him are such to which a reasonable person would have arrived at on the basis of the evidence and the material placed before him.

15. It is seen from the enquiry proceedings that seven witnesses were examined on behalf of the Bank management before the Enquiry Officer. They were thus :

Shri V. V. Ranade (MW-1), the Paying Cashier who deposed about the procedure in the Bank; Shri Y. L. Joshi (MW-2), an Officer in Savings Bank Section; Shri G. S. Damle (MW-3) working as Incharge of Savings Bank Section; Shri H. I. Naik (MW-4) working as a Staff Officer. He stated that certain debit entries in question were in the handwriting of the workman, Shri Wankhede, and the initials on some other documents were of that workman, Shri S. T. Kshirsagar (MW-5) the Cashier. He stated that the signatures on the back of the withdrawal slips in question were of the workman Shri Wankhede. Mrs. V. J. Chitale (MW-6). She stated thus before the Enquiry officer :

She and her husband had the joint account in the Bank. She had not withdrawn the amounts of Rs. 2,000, Rs. 700, Rs. 500, Rs. 1,500, and Rs. 900, dated 4-11-1985, 11-11-1985, 26-11-1985, 9-12-1985, and 13-12-1985, and that she had not received those amounts. She stated that she did not know who signed on the reverse of the withdrawal slips in question. The last witness was Shri V. J. Sahasrabhojane (MW-7), working as a Special Assistant and attached to the Savings Bank Section.

16. Ex. M/18 is the complaint dated 21-12-1985 by Mrs. V. J. Chitale to the Bank. In that complaint she stated that the signatures on the withdrawal slips dated 9-12-1985 for Rs. 1,500, and dated 13-12-85 for Rs. 900 were not hers, and that nobody also except herself and her brother Shri R. P. Deshpande used to withdraw the amounts from her account in the Bank. Ex. M/27 is a complaint by the other account holder Shri S. P. Kale, dated 1-1-1986. (He was dead at the time of the enquiry proceedings). In his complaint Shri Kale stated thus :

There was no balance of Rs. 1,500 in his account. The workman, Shri Wankhede, had told him that he had unauthorisedly withdrawn the amount of Rs. 4,700 from his account, and had promised to repay that amount to him.

No oral evidence was led on behalf of the workman before the Enquiry Officer.

17. I, therefore, find that the conclusion arrived at by the Enquiry Officer are properly based upon the oral and documentary evidence placed before him, that they are just and proper, and are not perverse in any way. Issue No. 3 is, therefore, found accordingly.

#### ISSUE NO. 4 :

18. According to the workman, the Order of the Chief Manager of the Bank regarding the deduction of amount of Rs. 10,900 from the gratuity and provident fund of the workman, is unjust and illegal. Exhibits M/46 and M/47 are the letters by the Chief Manager, Sitabuldi Branch, Nagpur, dated 27-3-1987 and 23-2-1988 addressed to the Chief Manager, Disciplinary Matters, Central Office, Pune. By these letters the Chief Manager of the Sitabuldi Branch, Nagpur, stated that he proposed to deduct the amount of Rs. 10,900 from the gratuity amount of the workman, as the amounts of Rs. 4,700 plus Rs. 1,500 were payable to Mrs. Chitale, and the amount of Rs. 4,700 was payable to Shri Kale by the Bank. Clause 12.2 of the Bipartite Settlement of 1966 states that :

"There will be no forfeiture of gratuity for dismissal on account of misconduct except in case where such misconduct causes financial loss to the Bank and in that case, to that extent only."

19. In the present case, due to the misconduct committed by the workman and duly proved in the enquiry proceedings held against him, the Bank was required to pay an amount of Rs. 6,200 to Mrs. Chi-

tale, and Rs. 4,700 to the heirs of Shri Kale. Thus the total amount of Rs. 10,900 was required to be paid by the Bank to the said two customers, and as such, due to the misconduct committed by the workman, the Bank was required to suffer a financial loss of Rs. 10,900. Therefore, the Bank's action in deducting the amount of Rs. 10,900 from the gratuity amount payable to the workman, is quite just and legal.

Issue No. 4 is, therefore, found in the negative.

#### ISSUES NOS. 5 & 6 :

20. In the departmental enquiry that was held properly against the workman, the Enquiry Officer by his Report dated 14-11-1986 (Ex. M/45) found that the charges levelled against the workman were duly proved. He found that the workman had wilfully caused damage or attempted to cause damage to the property of the Bank or any of its customers which was a gross misconduct under clause 19.5 (d) of the Bipartite Settlement of 1966, that he had committed the breach of the Rules of the Business of the Bank or the instructions for the running of any of the departments, which was a minor misconduct as per clause 19.7 (d) of the Bipartite Settlement, and the said workman had done an act prejudicial to the interest of the Bank which was an act of gross misconduct under clause 19.5 (j) of the Bipartite Settlement. Therefore, as the said workman had committed the acts of gross misconduct by his above said activities, the action taken by the Bank management in dismissing him from service must be said to be quite just, proper, and legal. In a Banking Industry, utter honesty and integrity is expected from a Bank employee. In the present case, the conduct of the workman in question was to the contrary. The Bank management had lost faith in him. Therefore, the action of the Bank management in the matter is quite just, legal, and proper. Therefore, the workman is not entitled to any relief.

Issue No. 5 is, therefore, found in the affirmative, while Issue No. 6 is found in the negative.

#### ISSUE NO. 7 :

21. The following Award is, therefore, passed :—

#### AWARD

The action of the management of the Bank of Maharashtra in dismissing from service Shri S. K. Wankhede is just, legal, and proper.

The parties to bear their own costs of this reference.

P. D. APSHANKAR, Presiding Officer

2nd July, 1993



नई दिल्ली, 14 जुलाई, 1993

का. आ. 1670.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सेन्ट्रल बैंक ऑफ इंडिया, के प्रबन्धतंत्र के संबद्ध निरीक्षकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण, चंडीगढ़ के पंचपट की प्रकाशित करती है, जो केन्द्रीय सरकार को 13-7-93 को प्राप्त हुआ था।

[संख्या एल-12012/407/86-डी-2 (ए)]

वी. के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 14th July, 1993

S.O. 1970.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workmen, which was received by the Central Government on 13-7-1993.

[No. L-12012/407/86-D-2(A)]

V. K. VENUGOPALAN, Desk Officer

#### ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 57/87

Subhash Chander Mahajan Vs. Central Bank of India

For the workman—None

For the management—Shri Yogesh Jain

#### AWARD

Central Govt. vide gazette notification No. L-12012/407/86-D. II(A) dated 31st July 1987 issued U/S 10(1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the demand of the Central Bank of India Staff Association (Regd.) Chandigarh in demanding promotion of Shri Subhash Mahajan, clerk in the Katra Alhuwalia branch, Amritsar of Central Bank of India to the post of head cashier in terms of bank's circular No. CO/PRS/POL/81/590 dated 11-3-1981 and CO/PRS/84/170 dated 23-3-1984 is justified ? If not, to what relief is Shri Mahajan entitled ?”

2. It has been alleged in the statement of claim that on 3-11-1981 the head office of the respdt bank at Bombay after signing an agreement with the majority union issued circular dated 3-11-1981 in relation to the abolition of compartmentalisation in clerical cadre. In pursuance of the said circular the petitioner gave his option to work in cash deptt. and the benefits accrued on that. It is further alleged that all the employees working in the accounts deptt. as on

1-9-1981 were allowed to exercise irrevocable letter of option within 6 months from 1-9-1981 stating whether they are willing to work in cash section or not. It is further that on 25-5-1982 another circular was issued clarifying the terms and conditions for officiation and promotion. It is further alleged that as per circular dated 25-5-1982 the petitioner become eligible w.e.f. 1-3-1984 for accrual benefits of officiation/posting/promotion of the cadre attaching special allowance and higher grades after expiry of the debarment on 29-2-1984 but however he was denied the chances of officiation. He made representation but no effect although the employees who had given their option to work in cash deptt. were permitted as and when they would be asked to work in cash department and the employee who did not exercise option within stipulated period were deemed to have opted for accounts section. It is further alleged that he is illegally denied the change of officiation and promotion from the date when is debarment expires and prayed that the management be directed to make good the loss suffered by the workman as a result of denial of officiating chances from the date he had become eligible.

3. The management in their written statement took number of preliminary objections that the claim filed by the petitioner is not in conformity with the dispute and that the claim is false, claim statement is also not verified. Further stand of the management is that as per circular dated 3-11-1981 existing employees in the account section as on 1-9-1981 were permitted to opt for non account section within six months from 1-9-1981 about their willingness to work in cash section as and when required and only those employees who gave their willingness to work in cash section were to be considered for the post attracts special allowance in cash section and the option so exercised had to be unconditional and irrevocable. Further stand of the management is that the petitioner in pursuance of the said circular opted to work in cash section with the condition that he may be considered for the post attracting special allowance in both deptts. viz. accounts as well as non-accounts section. This option was a conditional one and did not fulfil the requirements of the banks policy with regard to the abolition of compartmentalisation in clerical cadre. Accordingly he was not found eligible for officiating in cash section. The management also denied that in pursuance of the subsequent circular dated 25-5-1982 the petitioner became eligible w.e.f. 1-3-1984 after expiry of debarment on 29-2-1984 because he was not entitled/eligible for officiation in cash section as he failed to exercise valid option in the cash department when the opportunity arose and his conditional option made on 26-11-1981 was not acceptable to the bank. Further stand of the management is that he admitted position that the employees working in cash section as on 1-9-1981 were to exercise irrevocable letter of option to work in cash section and the option exercised by the petitioner can not be said to be irrevocable option under the law and thus prayed for the dismissal of the reference.

4. The petitioner has not put up appearance inspite of the registered notices. The management was called upon to lead their evidence. The management had

produced MW1 Mr. D. K. Gupta, Chief Manager. He has relied on Ex. M1 circular dated 3-11-1981 Ex. M2 the option made by the petitioner.

5. The respdt. management filed written arguments. I have perused the evidence and the documents and record.

6. Ex. M1 is the circular dated 3-11-1981 in relation to abolition of compartmentalisation in clerical cadre. Clause 'D' of the said circular stipulates that the employees who are in the account section as on 1-9-1981 were permitted to give option within a period of six months from 1-9-1981 about their willingness to work in the cash section as and when required and that they will be considered for the post attracting special allowance in cash section and chief cashier's post. In pursuance of that circular the petitioner had given his option. The same is Ex. M2. In the said option the petitioner, though opted to work in cash section but has made it conditional that he may be considered for the post attracting special allowance in both departments viz. accounts as well as non-accounts section. It is certainly not the spirit and the purpose of the said circular dated 3-11-1981. Therefore, his option was rightly considered as no option being the same was conditional and revocable although it should be irrevocable as admitted by the petitioner in the statement of claim.

Circular Ex. M1 dated 3-11-1981 further clarified by the subsequent circular dated 25-5-1982 which puts a further department of 30-months on the person who have opted to work in the cash section for the purpose of eligibility for such officiation and posting in special allowance posts. The said department was put from 1-9-1981 to 1-3-1984.

The claim of the petitioner that he becomes eligible for accrual benefit after the debarment is again meritless. Subsequent circular dated 25-5-1982 is nothing but clarification of earlier circular dated 3-11-1981 Ex. M1 putting a debarment of 30 months. After expiry of debarment period the eligibility criteria is only for those optee who had submitted their valid option within stipulated period in pursuance of the earlier circular. But however as said above the option submitted by the petitioner which was conditional and revocable, contrary to the spirit of the said circular was considered as no option by the respdt. management, was rightly denied the benefits for officiation in cash section for the special allowances posts.

Therefore, in view of the discussion made in the earlier paras, there is no merit in the reference and the same is dismissed and returned to the Ministry.

Chandigarh.

30-6-93.

ARVIND KUMAR, Presiding Officer